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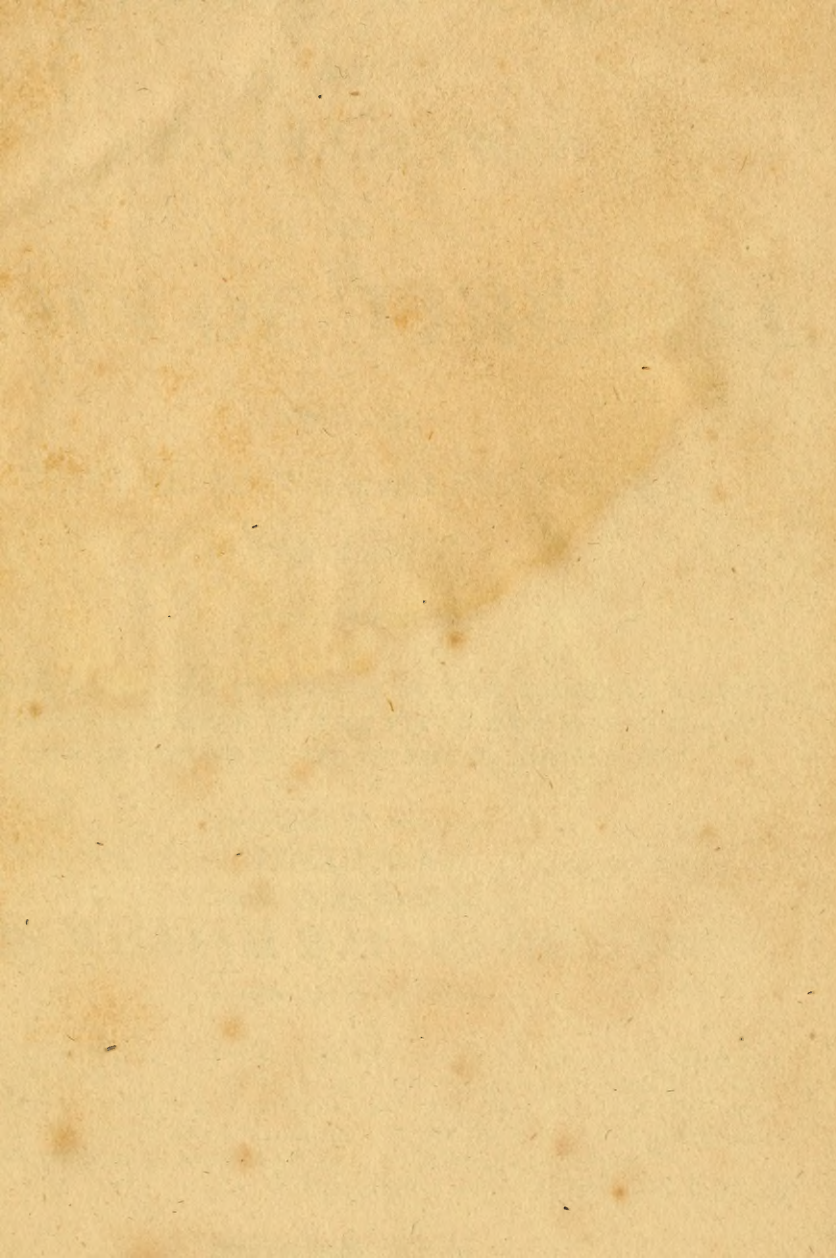












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# THE LIFE OF

WILLIAM WALKER

BY WILLIAM WALKER

The first of a series of volumes, containing a full and complete history of the life of the author, from his birth to his death, and a full and complete history of his career, from his first appearance on the stage to his last days.

PRINTED FOR THE EDITOR  
AT THE PRESS OF THE PRESS



THE  
**Statutes at Large;**

BEING  
A COLLECTION.

OF ALL THE  
**LAWS OF VIRGINIA,**

FROM THE  
FIRST SESSION OF THE LEGISLATURE,  
IN THE YEAR 1619.

---

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY  
OF VIRGINIA, PASSED ON THE FIFTH DAY OF FEBRUARY,  
ONE THOUSAND EIGHT HUNDRED AND EIGHT.

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VOLUME VII.

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By WILLIAM WALLER HENING.

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"The *Laws* of a country are necessarily connected with every thing belonging to the people of it; so that a thorough knowledge of *them*, and of their progress would inform us of every thing that was most useful to be known about them; and one of the greatest imperfections of historians in general, is owing to their ignorance of law."

PRIESTLEY'S LECT. ON HIST. VOL. I, pa. 149

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RICHMOND.  
PRINTED FOR THE EDITOR.  
AT THE FRANKLIN PRESS.—MARKET BRIDGE.

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WE JOHN M. MARTIN and WILLIAM SMITH, Members of the Executive Council of Virginia, do hereby certify that the Laws contained in the Seventh volume of HENING's *Statutes at Large*, have been by us, examined and compared with the originals from which they were taken, and have been found truly and accurately printed, except as to a list of *Errata* to the number of thirty-nine, at the end of the volume.

Given under our hands this 23d day of June 1820.

JOHN M. MARTIN.  
WILLIAM SMITH.



# P R E F A C E

TO THE

## Seventh Volume of the Statutes at Large.

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THE Editor is now enabled to present to the public, a volume of the Statutes at Large, without the omission of a single act, either public, private, local or temporary. He has already announced his intention to publish the few acts, which were unavoidably omitted in the former volumes, in an appendix to the last volume, with a GENERAL INDEX to the whole work. Part of the materials have been obtained since the publication of the sixth volume.

The colony having, with its usual loyalty, made great exertions to aid the mother country in prosecuting the French and Indian war, much of this volume is taken up with providing the purse and the sword. Some other acts of a general nature, deserve to be particularly noticed. Such as the act providing that Tobacco debts might be paid in money, at a certain stipulated rate (*a*); the repeal of the act, giving a reward for Indian scalps (*b*); an act for encouraging arts and manufactures (*c*); an act for better regulating the election of burgesses (*d*); and an act for the relief of insolvent debtors, on the principles of the bankrupt law of England; which never went into operation, it having been repealed at the next session (*e*).

At the end of this volume, the two important proclamations of 1754, and 1763, (from which titles to large tracts of valuable lands, on the western waters are derived,) are inserted.

In order to commence the laws of the revolution with a volume, has been found necessary to extend this to upwards of 700 pages; more than one hundred beyond the editor's prospectus. This will be a loss to the editor, but will be attended with no additional cost to his subscribers.

WILLIAM WALLER HENING.

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(*a*) See pa. 240, 277. (*b*) See pa. 241. (*c*) See pa. 288, 563. (*d*) See pa. 517. (*e*) See pa. 549, 643.

The first of these is the fact that the United States are now a free and independent nation, no longer a colony of Great Britain. This is a great step towards the establishment of a free and independent nation, and it is a great step towards the establishment of a free and independent nation.

The second of these is the fact that the United States are now a free and independent nation, no longer a colony of Great Britain. This is a great step towards the establishment of a free and independent nation, and it is a great step towards the establishment of a free and independent nation.

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The fourth of these is the fact that the United States are now a free and independent nation, no longer a colony of Great Britain. This is a great step towards the establishment of a free and independent nation, and it is a great step towards the establishment of a free and independent nation.

*List of Governors of Virginia, during the  
period comprised in this volume.*

**ROBERT DINWIDDIE, Esq.** who had been appointed Governor sometime between 1749, and 1752, (see list of Governors prefixed to the 6th volume,) continued until the 10th of February 1758, (see proclamation book in the office of the General Court, from 1748 to 1769, pa. 207,) when Francis Fauquier, Esq. was appointed his successor.

Robert Dinwiddie, esq.

Francis Fauquier, esq.





ANNO REGNI

# GEORGE II,

Regis Magnæ Britanniae, Franciae, et  
Hiberniae, vicesimo nono.

---

*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the twenty-fifth day of March, in the twenty-ninth year of the reign of our sovereign Lord George II. by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1756, being the first session of this Assembly.*

---

Robert Dinwiddie, esq.  
Governor.

## CHAP. I.

*An Act for raising the Sum of Twenty-five Thousand Pounds, for the better protection of the Inhabitants on the Frontiers of this Colony, and for other purposes therein mentioned.*

I. WHEREAS it is necessary that the troops raised for the protection of the frontiers of this colony should be augmented, and money raised for their support and maintenance: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the sum of one shilling, or ten pounds of tobacco, at the option of the payer, shall be paid for every tithable person in this colony, to the sheriff of the county where such tithable shall be listed, by the person inlisting such tithable, on or*

Preamble.

The tax and  
how to be  
collected,



before, the tenth day of April, one thousand seven hundred and fifty-eight, and the further sum of one shilling, or ten pounds of tobacco, for every such tithable, shall be paid, in like manner, on, or before, the tenth day of April, one thousand seven hundred and fifty-nine; and the further sum of one shilling, or ten pounds of tobacco, for every such tithable, shall be paid in like manner, on or before the tenth day of April, one thousand seven hundred and sixty, which shall be collected by the sheriffs, according to the lists of tithables taken, and subsisting at the time of payment in each year. And where any sheriff shall discover any tithables not inlisted, such sheriff is hereby impowered and required to collect and levy the said duties respectively, upon the person so discovered, and account for, and pay the same, in like manner, as if such tithable had been inlisted. And that the sum of one shilling, or ten pounds of tobacco, at the option of the payer, for every hundred acres of land, and after that rate, for a greater or lesser quantity, shall be paid by the owner or proprietor thereof, on the said tenth day of April, in each of the said years, to the sheriff of the county, wherein such land shall lie, and to be collected by, and according to the rent-rolls delivered to the sheriffs respectively, for the collection of his majesty's quit-rents, in each of the said years. And from the proprietors of lands, in the Northern Neck or territories of the right honorable Thomas, lord Fairfax, by, and according to the accounts by them delivered to the sheriffs, which they are hereby required to do, in each of the said years, in the manner, and at the time, directed and prescribed by one act of Assembly made in the twenty-ninth year of the reign of his present majesty, intituled, An Act for raising the sum of forty thousand pounds for the protection of his majesty's subjects on the frontiers of this colony; and every person failing so to do, shall forfeit and pay the sum of ten pounds for every such failure, and the sheriffs of the several counties, within the said territory, are hereby required to collect the said land-tax from the said proprietors, according to the accounts so to be delivered to them respectively, and in case of failure in payment of the said land-tax or poll-tax at the times before limited for the payment thereof respectively, it shall be lawful for the sheriff of each county in this colony, to levy the same by distress, and sale of the

MARCH 1756—29th GEORGE II.

slaves, goods and chattels, of the person so failing, in like manner, as is provided in case of other distresses; and where there are no effects to be found upon the lands hereby chargeable with the said land-tax, it shall be lawful for the sheriff of the county, where such lands lie, or the sheriff of the county, where the proprietor of the said land lives, to levy the said tax upon the estate of such proprietor, wherever the same can be found.

II. *Provided*, That nothing in this act contained, as to the payment of the said taxes, shall extend to the inhabitants residing on the waters of the Mississippi, and in the county of Hampshire, who are hereby exempted for themselves and other tithables on the said waters, and within the said county of Hampshire, from the payment of the said poll-tax, and also from the payment of the said land-tax.

Who ex-  
empted:

III. *And be it further enacted, by the authority afore-said*, That the several sums of money to be collected, by virtue of this act, for the said land and poll-tax, shall be by the sheriffs respectively, accounted for upon oath, and paid to the treasurer of this colony, for the time being, appointed by, or pursuant to an act of Assembly, on, or before, the tenth day of June next following the time herein before limited, for payment of the said taxes in each year, after deducting five per centum for each sheriff's salary in collecting the same, and be accounted for by the said treasurer to the General Assembly, after deducting two per centum for his salary, in receiving and paying the same.

Taxes to be  
accounted  
for, on oath,  
by the sher-  
iff.

IV. *And be it further enacted, by the authority afore-said*, That the sheriff of every county shall, on, or before, the first day of December, in each of the said years give bond and security before the court of the county, whereof he is sheriff, for the due collection and payment of the said duties, so to be collected by him the year ensuing. And if any sheriff shall die, or be removed from his office, after having given such bond, and before the collection is made, for which such bond was given, the succeeding sheriff shall, in like manner, give bond and security at the time he shall be sworn into his office, and shall collect, levy, and account for so much of the said taxes, as shall remain unpaid to the sheriff so dying, or being removed. And if any sheriff shall refuse, or fail to give security according to the direction of this act, the county-court is hereby

Sheriffs to  
give bond,  
&c.



impowered and required to appoint some other person to collect the taxes imposed by this act, and directed to be levied by such sheriff, and the person so appointed, shall give bond and security in like manner, and shall have power and authority, and is hereby required to collect, levy, and account for the said taxes, in the same manner, as is directed in case of the sheriff; and if the sheriff or collector shall refuse or neglect to account for, and pay the said taxes, according to the directions of this act, after deducting the several sums chargeable to persons who have no visible estate in his county, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff or collector, upon a motion to them made by the treasurer, to give judgment against such sheriff or collector, and his security. for all the money wherewith he is chargeable by virtue of this act, and thereon to award execution, provided that such sheriff or collector have ten days previous notice of such motion.

Where the  
sheriffs have  
failed in their  
duty.

V. And whereas many sheriffs of this colony have failed to give security according to the directions of former acts of Assembly, for collecting the taxes heretofore laid and assessed, but have notwithstanding received large sums of money and tobacco for such taxes, and have failed to pay the same to the treasurer, according to the directions of the said acts: *Be it further enacted, by the authority aforesaid,* That if any such sheriff shall fail to account for, upon oath, and pay all such sums of money or tobacco as they shall have received for such taxes, to the treasurer of this colony, within two months after the passing of this act, such sheriff shall forfeit and pay the sum of five hundred pounds to our sovereign lord the king, to, and for the same uses as the taxes laid by this act are appropriated, and it shall and may be lawful for the general court, or the court of the county whereof he is sheriff, upon a motion to them made by the treasurer, to give judgment against such sheriff, for all the money or tobacco which he has received by virtue of the said acts, and also for the said sum of five hundred pounds, and thereon to award execution, provided that such sheriff have ten days previous notice of such motion.

Indemnifica-  
tion to per-  
sons having  
paid their,

VI. *And be it further enacted,* That all persons who have duly paid their taxes to such sheriffs, not having given security, as aforesaid, shall not be obliged to

pay the same again to the succeeding sheriff, provided they produce receipts to such sheriff of their having already paid the same. taxes to the sheriffs.

VII. *And be it further enacted.* That the sheriff of every county shall, at the time of his entering into his office, enter into bond with sufficient security, in the penalty of one thousand pounds, payable to his majesty, his heirs and successors, for the due collection and payment of the taxes already laid, and to be laid and assessed by this, or any other act of Assembly of this colony, besides the bond and security he is already by law obliged to give for the due performance of other parts of his office. Penalty of the additional bond to be given by the sheriffs.

VIII. *And be it further enacted, by the authority aforesaid,* That the penalties and forfeitures by this act inflicted, shall be to our sovereign lord the king, his heirs and successors, to, and for the same uses as the taxes imposed by this act are herein after appropriated, and shall and may be recovered with costs, by action of debt or information, in any court of record within this dominion. Appropriation.

IX. *And be it further enacted, by the authority aforesaid.* That John Robinson, Peyton Randolph, Charles Carter, esquires; Carter Burwell, Benjamin Waller, John Chiswell, Richard Bland, James Power, William Digges, Dudley Digges, John Page, John Norton, William Harwood, George Wythe, Landon Carter, Edmund Pendleton, and Robert Carter Nicholas, gentlemen; or any seven of them, shall from time to time, with the consent and approbation of the governor or commander in chief of this dominion, for the time being, direct and appoint how the said money shall be applied towards the raising, maintaining, arming, and providing for so many men to be raised for the better protection and defence of the frontiers, as they shall think necessary, so as the whole men so to be raised, including the men formerly directed to be raised, do not exceed fifteen hundred men, and that the said directors shall, as often as there shall be occasion of money for the uses aforesaid, apply themselves to the governor, or commander in chief, for the time being, to issue his warrant to the treasurer for paying so much money as shall be wanting for the purposes aforesaid, not exceeding the sum of twenty thousand pounds, who is hereby required to pay the same accordingly, and the said directors shall keep an account of their proceedings, Directors & their duty.



and of the several particular services for which they shall appoint the said money, to be laid out in pursuance of this act, and lay the same before the general Assembly when required.

The method  
of drafting  
the militia.

X. *And be it further enacted, by the authority aforesaid,* That within twenty days after the passing of this act, the county lieutenant, or chief commanding officer of the militia in every county, and of the city of Williamsburg, and borough of Norfolk, except of the county of Hampshire, is hereby impowered and required, to summon and hold a council of war, of the field officers and captains of the militia, of his county, city, or borough, at which council of war the several captains of the militia of such county, city, or borough, shall deliver in lists in writing of all the single men in their respective muster-rolls, and in their respective precincts, where the militia of any county have not been duly inlisted and inrolled, according to the militia laws now in force; which council of war shall enter the names of all the able-bodied single men upon a list, and shall immediately appoint a certain day, within ten days after the day on which they first met, in pursuance of this act, for the said able-bodied single men of such militia, to meet at the court-house of such county, city, or borough, of which day the said council of war shall cause public notice to be given, by putting up advertisements thereof at all places of public resort in such county, city, or borough: And the said county-lieutenant, and the field officers and captains of the militia of such county, city, or borough, shall also meet on the day appointed, as aforesaid, at the court-house of such county, city, or borough, and being there met, shall hold another council of war, and shall then inlist all such able bodied men as will voluntarily enter into his majesty's service, but in case so many of them will not voluntarily inlist as will make one of every twenty of the militia, then they shall cause so many distinct blank pieces of paper to be prepared, as the number of the able-bodied single men of such militia may amount to, upon one of which pieces of paper for every twentieth man of which such militia shall consist (after first allowing for such as will voluntarily inlist in his majesty's service, and also for such of the said able-bodied single men who shall fail to appear according to the notice given by the said council war, who shall be first pricked down, and are hereby de-



clared to be soldiers duly inlisted in his majesty's service, unless they shall send to such council of war sufficient excuses for their non-attendance) shall be written the words following, *to wit*, "*This obliges me immediately to enter his majesty's service,*" which distinct pieces of paper so prepared, and written upon as aforesaid, together with the rest of the said papers, (which will remain blank, after one for every twentieth man of such militia shall be written upon as aforesaid) in the presence of the said council of war, or the major part of them, shall be put into a box, made for that purpose, which box shall be placed upon a table in the court-house, before such council of war, and then the said council of war shall cause all the said able-bodied single men (not voluntarily inlisting as aforesaid) one after another, in the presence of such council of war, to draw forth one of the said pieces of paper, out of the said box (the same having been first well shaken and the papers therein mixed together) and immediately to hold up the same to public view; and the person, and persons, whose lot it shall be, to draw forth out of the said box, any of the said papers, so written upon as aforesaid, shall immediately thereupon be deemed and taken to be an inlisted soldier, and as such shall be entered upon a list to be prepared for that purpose, by any indifferent person, to be then appointed by such council of war, unless such person shall immediately pay down to the chief officer, present at such council of war, the sum of ten pounds (to be by such chief officer paid to any person, or persons, who shall enter into his majesty's service, in the room of such person who shall pay the same, and in case no person will accept of the same, upon those terms, then to be by such chief officer accounted for, and paid to the treasurer of this colony, and by him to be applied to the same uses as the taxes laid and imposed by this act, are directed to be applied) or shall immediately procure some other able-bodied person to serve as a soldier in his stead; and the person, or persons, who shall draw out of the said box, any of the said blank papers, shall be discharged from being drafted out of the militia of such county, city, or borough, to serve as a soldier, and such person and persons, so drafted and inlisted, in the manner aforesaid, and failing to pay down the said sum of ten pounds, or to procure some other able-bodied person to serve in his stead,

shall be immediately delivered by such council of war, to the officer appointed by the governor or commander in chief, to attend the drafting of the militia in each county, city, or borough, respectively, and shall be by such officer received as soldiers inlisted in his majesty's service, and marched and conducted to such place or places, as the governor or commander in chief shall direct and appoint, and shall continue in his majesty's service until the first day of December next, and shall then be discharged from the said service if they shall require it.

Militia so drafted to be incorporated with the Virginia regiment.

*XI. And be it further enacted, by the authority aforesaid, That the soldiers so drafted and inlisted, in manner aforesaid, shall be incorporated with, and become soldiers of the Virginia regiment, and shall receive the same pay and rewards, and be entitled to the same immunities and privileges, and be subject to the same government and discipline, as the soldiers of the said regiment, now in the pay of this colony, do receive, and are entitled, and subject to.*

Where any fails to appear at the council of war.

*XII. And be it further enacted, That if any such able bodied single man shall fail to appear at the council of war, directed to be held as aforesaid, on the day to be appointed and notified in manner aforesaid, without sending sufficient reasons to the said council of war for his non-attendance, as aforesaid, such person, and persons, shall thereupon be deemed soldiers duly inlisted in his majesty's service, as aforesaid, and as such shall be taken by the captain of the company to which he belongs, or of the precinct in which he lives, by warrant under the hand of the commanding officer present at such council of war, and shall be by the said captain delivered to any constable of such county, city, or borough, with his warrant to convey and deliver him, from constable to constable, to the officer to be appointed to receive the drafted militia, as aforesaid.*

Penalty on the officer.

*XIII. And be it further enacted, by the authority aforesaid, That if the county lieutenant or chief officer of the militia of any county, or of the said city or borough, shall fail to call a council of war, within twenty days after the passing of this act, and to proceed in the manner before directed for drafting the militia, he shall forfeit and pay the sum of five hundred pounds, and if any other of the said officers of the militia shall fail to attend such council of war, after be-*



ing summoned thereto by their chief officer, as aforesaid, they shall respectively forfeit and pay the sum of one hundred pounds, and the other officers present at such council of war, shall certify to the next court to be held for such county, or for the said city or borough, the names of all such field officers and captains who shall fail to attend such council of war, which court shall thereupon order such officers to be summoned to appear at the next court to be held for such county, city, or borough, and unless they shall make out a sufficient excuse for their non-attendance at such council of war, they shall enter judgments against them respectively, for the fines aforesaid, and thereon award execution, which fines, when levied, shall be by the sheriff of such county, or the serjeant of the said city or borough, accounted for, and paid to the treasurer of this colony, and by him applied to the same uses, as the taxes by this act imposed, are directed to be applied.

XIV. And whereas it is expected, that many persons will, to avoid being drafted as soldiers, according to the intention of this act, enter themselves as overseers, by which means they may be deemed not a part of the militia: *Be it enacted, by the authority aforesaid,* That no person not having been bona fide an overseer, according to the description of the laws for the better regulation of the militia, on or before the twenty-fifth day of March last, shall be exempted from being drafted in the militia, pursuant to the intention of this act.

XV. *Provided always,* That nothing herein contained, shall extend or be construed to extend to empower the governor or commander in chief, or any other officer, to lead or march the soldiers hereby raised, or cause them to be led or marched out of this colony.

XVI. *And be it further enacted,* That so much of the said act, intituled, An act for raising the sum of forty thousand pounds, for the protection of his majesty's subjects on the frontiers of this colony, as relates to the drafting the militia be, and the same is hereby repealed.

XVII. And whereas the frontiers of this colony are in a very defenceless situation, and openly exposed to the incursions and depredations of our cruel and savage enemies, who are daily destroying the lives and

Overseers.

Militia so drafted not to be carried out of the colony.

A chain of forts to be erected.

estates of the inhabitants of that part of the colony, and it is necessary that forts should be erected in those parts, to put a stop to those violent outrages of the enemy, and to protect the inhabitants in their lives and properties: *Be it further enacted, by the authority aforesaid,* That a chain of forts shall be erected, to begin at Henry Enochs, on Great-Cape-Capon, in the county of Hampshire, and to extend to the South-Fork of Mayo-River, in the county of Halifax, to consist of such a number, and at such distance from each other, as shall be thought necessary and directed by the governor, or commander in chief of this colony, for the time being, who is hereby desired to appoint some proper person with such a number of the forces, in the pay of this colony, as he shall think necessary to erect and build such forts, and to issue his warrant to the treasurer for paying so much money as shall be thought necessary, for the purposes aforesaid, by the committee herein before nominated and appointed, not exceeding the sum of two thousand pounds, who is hereby directed to pay the same accordingly, and the governor or commander in chief, for the time being, is hereby also desired to appoint so many men, with such officers as he shall think proper to garrison such forts, when erected.

Treasury  
notes to be  
emitted.

XVIII. And whereas by reason of the long time allowed for collecting the duties imposed by this act (which from the distressed circumstances of the people, and the great scarcity of gold and silver coin in this colony, could not be sooner done) the said duties will not be collected in time to answer the purposes hereby intended: *Be it therefore enacted, by the authority aforesaid,* That it shall and may be lawful for John Robinson, esquire, treasurer, or the treasurer of this colony for the time being, appointed by, or pursuant to, an act of Assembly, to issue or emit, at any time or times, before the twenty fifth day of March next ensuing, and not after, in such proportion as he shall find necessary, to answer the demands that shall be made upon him, for the purposes aforesaid, any number of treasury notes, so as the whole sum of such notes, so to be issued, shall not exceed the sum of twenty five thousand pounds, which notes shall be prepared, printed or engraved, and numbered in such form, and after such method, as he the said treasurer, for the time being, shall judge most convenient for



their circulating in payments and being safe from counterfeits and forgeries, and shall be signed by the said treasurer, and Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman, who shall be allowed fifty pounds for their trouble in doing the same, to be deducted out of the allowance to the treasurer for emitting the said notes, and the said treasurer shall be allowed two per cent. upon the amount of the notes so to be issued, for his trouble therein.

XIX. *And be it further enacted, by the authority* The time of redemption. *aforesaid,* That all such notes, so to be issued, shall be redeemable on the last day of June one thousand seven hundred and sixty, and shall then be paid by the treasurer for the time being, with interest, after the rate of five per centum per annum, from the date thereof, and further, that all such notes, so to be issued, shall be received and pass as a lawful tender in payment of any debt, duty, or demand whatsoever (except for the payment of his majesty's quit-rents, and the duties imposed by two acts of Assembly, the one intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects against the insults and encroachments of the French, and the other intituled, An act to explain an act, intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects against the insults and encroachments of the French) from the time of issuing such notes, until the time before specified for the redemption thereof at the treasury, as aforesaid.

XX. *And be it further enacted, by the authority* Counterfeit- ing death. *aforesaid,* That if any person, or persons, shall forge or counterfeit, alter or erase, any such treasury note, or shall tender in payment, by way of barter or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person, or persons, so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

XXI. *And be it further enacted,* That the money to be raised by the duties imposed by this act, shall stand, The duties imposed by this act to be a security for the redemption. be, and remain as a security for the redemption of the said treasury notes, so to be issued, and the said John Robinson, treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby required to ap-

ply all such money as shall come to his hands by virtue of this act, for, and towards the redemption of such treasury notes, and to no other use or purpose whatsoever.

XXII. And whereas divers companies of the militia of the several counties of Prince William, Fairfax, and Culpeper, were lately drawn out into actual service for the defence and protection of the frontiers of this colony, against the incursions and depredations of the French, and their Indian allies, whose names and the time they respectively continued in the said service, are contained in a certain schedule to this act annexed, and it is just and necessary that they should be paid for such their service, by the public, and also that the several sums of money in the said schedule charged for provisions, found for the use of the said militia, should be paid to the persons respectively entitled to the same, according to the said schedule; and for an encouragement to the militia of this colony to go out freely for the defence of their country in all times of danger, with a certain assurance of being paid for their services: *Be it further enacted, by the authority aforesaid,* That the treasurer of this colony do, within six months after the passing of this act, pay in treasury notes, to be emitted by virtue of this act, to the several officers and private soldiers, particularly named in the said schedule, the several sums of tobacco to which they are respectively entitled, at the rate of ten shillings per hundred, and also the several sums of money charged in the said schedule, for provisions found for the use of the said militia, to the persons thereby respectively entitled to the same, and also the several tobacco claims, for provisions found for the said militia, to be discharged at one penny per pound, any thing in the acts relating to invasions and insurrections to the contrary notwithstanding.



## The Schedule, to which this Act refers.

*To the Militia of the County of Fairfax, viz.*

	<i>lbs. tob.</i>
To Lewis Ellzey, Captain,	1500
Sampson Turley, Lieutenant,	1250
Samuel Tillett, Corporal,	1100
James Tillett, do.	1100
Sampson Demovill, do.	1100
To Jeremiah Hutchinson, Corporal,	1100
Joseph Stephens, do.	1100
Philip Grymes, do.	330
Gilbert Simson, jun. do.	660
To sixteen Troopers, viz. George Shortridge, Benjamin Ladd, Nathan Williamson, Vincent Boggess, Joseph Fry, Daniel Thomas, Benjamin Hutchison, George Simson, Helland Middleton, Thomas Shore, William Southard, Robert Watson, servant to Lewis Ellzey, Thomas Simmonds, John Berkley, junior, Francis Eaton, and William Pickett, 1000 each,	16000
To nine Troopers, with impressed horses, viz. Jesse Martin, Charles Newland, Thomas West, John Price, Richard Newall, James Chamberlayne, Thomas Cartwright, David Thanas, junior, and Edward Davis, 750 each,	6750
To seven horses impressed for the above Troopers, belonging to William Crump, John Williams, Thomas Wyatt, Charles Broadwater, Henry Taylor, Barnaby Curry, and John Summers, 250 each,	1750
To twenty Troopers, viz. William Peake, junior, William Trammell, Gilbert Simson, junior, William Scutt, William Musgrove, William Hayes, Edward Masterson, Mark Chilton, Thomas Triplett, William Morris, William Smith, John Stephens, Thomas Osborn, George Saunders, Daniel Shoemaker, Joseph Burson, Simon Shoemaker, Edward Hardin, Nicholas Grymes, and Michael Regan, junior, 300 each,	6000
To eight Troopers, with impressed horses, viz. William Owsley, Joseph Jones, Joseph Martin, William Stackhouse, John Sinclair, David Smith, Clement Gamer and John Dawson, 225 each,	1800
To eight impressed horses, for the above Troopers, belonging to Daniel French, Benjamin Satterfield, William Palmer, John Hough, Benjamin Pool, John Pultney and Jacob Morris, 150 each,	1050



*Current Money.*

To Thomas Coulthard, for a horse impressed and lost,	<i>l.</i>	6	—	—
To Benjamin Vanlandingham, an express,	1	5	—	
To Edward Seed, do.		5		
To Thomas Graffert, do.	1	3	4	
To Garrett Bolin, do.		5		
To William Sewell, for an express, and a cart and horses,	2	8	—	
To William West, for necessities and expresses,	5	10	10	
To John Gladin, for necessities for the soldiers,	2	18	—	
To Richard Moxley, do.	—	16	3	
To Carlyle and Dalton, for powder, lead, flints, and for an express,	6	10	7½	
To the clerk for certifying ten claims,				200

*To the Militia of the county of Culpeper, viz.*

	<i>lbs. tob.</i>
To William Russell, Lieutenant-Colonel,	640
To William Brown, Captain,	2700
To John Field, Lieutenant,	2375
To do. for two horses impressed and employed in the service,	2700
To George Weatherall, serjeant,	1710
To Roger Dixon, assignee of William Nalle, junior,	1656
To William Nalle, the elder,	1710
To Charles Yancey, Ensign,	1900
To John Strother, Captain,	2850
To Francis Strother, Lieutenant,	2375
To William Roberds, Ensign,	1900
To Stephen Rogers, Serjeant,	1710
To John Gambill, do.	1710
To Henry Gambill, do.	1710
To Sallis Hansford, do.	1710
To do. for a horse impressed and employed in the service,	230
To eight foot soldiers, viz. Francis Cooper, William M <sup>d</sup> Daniel, John Thomas, Miles Murfee, John Hayes, John Graham, assigned to John Strother, Joshua Sherald, assigned to do. and William Wall, assigned to William Green, 1385 each,	11080
To nineteen foot soldiers, viz. Jacob Browning, William Boworn, John Laton, Richard Burk, Richard Parks, Nicholas Yager, Cornelius Mitchell, John Browning, William Tapp, Samuel Moore, John Willhoit, John	

*lbs. tob:*

Strother, assignee of James Gillison, Benjamin Morgan, John Shropshire, David Bridges, Roger Dixon, assignee of John Younger, John Bowman, George Goggan, Martin Nalle, assignee of Mordock Mackenzie, and William Eastham, assignee of Jacob Wall, 1425 each,		28500
To William Russell, for his servant, John Dixon, Wright, a foot soldier,		180
To Roger Dixon, assignee of Daniel Delancy and Alexander Baxter, foot soldiers,		2760
To John Cave, James Nash, William Twiman, and Joel Yarborough, foot soldiers, 1380 each,		5520
To Francis Grant, foot soldier,		1245
To Adam Maland, Adam Barler, John Greson, John Relsback, Andrew Carpenter, Lewis Fisher, John Gloor, Matthias Weaver, Christopher Barler, Timothy Swindele, John Plunketpeter, Matthias Rouce, and William Yager, foot soldiers, 105 each,		1365
To John Grim, Jacob Harroback, and Harmer Young, foot soldiers, 150 each,		450
To Henry Gaines, a foot soldier,		120
To Henry Stringfellow,		260
To William Roberts, for one horse impressed and employed,		270
To Francis Strother, for do.		270
To John Strother assignee of William Shropshire, for do.		270
To do. assignee of James Gillison, for do.		270
To do. assignee of Benjamin Morgan, for do.		270
To do. assignee of Robert M <sup>c</sup> Clanahan, for one cow for the militia,		500
To William Brown, assignee of John Hite, for one sheep and two shoats for do.		300
To do. assignee of do. for 591 lbs. of flour, and two bags for do.		1382
To John Strother, assignee of Robert M <sup>c</sup> Coy, for bread for do.		100
To do. assignee of Sarah Chester, for one sheep for do.		150
To John Strother, assignee of John Hite, for meal for do.		80
To do. assignee of Robert M <sup>c</sup> Coy, for one steer for do.		350
To do. assignee of Charles Perkins, for waggon hire,		375
To George Weatherall, for bread,		40
To Samuel Moore, for corn,		100
To William Roberts, for meat and bread,		160
To William Johnson, for do.		310
To William Duncan, for beef,		300
To John Strother, for beef, bread, salt, and three bags,		510



*lbs. tob.*

To John Rosin, assignee of William Judd, for one horse impressed and employed,	120
To William Green, assignee of Charles Lewis, for one cow,	700
To the clerk for certifying 84 allowed claims,	200

*To the Militia of the County of Prince-William, viz.**lbs. tob.*

To John Frogg, Major,	920
William Baylis, Captain,	2400
Richard Taylor, Lieutenant of Horse,	2790
William Splane, do.	2790
William Farrow, Cornet,	2325
Samuel Porter, Corporal,	2046
Jacob Spilman, do.	2046
William Whaley, do.	2046
Lewis Reno, do.	2046
William Buchanan, Corporal,	1452
Thomas Foard, do.	1452
George Kenner, do.	1452
Henry Floid, Serjeant,	1188
Foushee Tebbs, Captain,	390
John Baylis, do.	780
James Seaton, Lieutenant of Foot,	650
Richard Hampton, do.	550
To fifteen Troopers, viz. John Nevill, Richard Matthews, Benjamin Wilson, Stephen Maurice, Thomas Marshall, Richard Marshall, John Luttrell, Thomas Doyle, Joshua Welch, Nathaniel Freeman, Standley Singleton, Samuel Batson, John Murray, William Fielder, and Andrew Cannaird, 1860 each,	27900
To twenty-one Troopers, viz. John M. Millon, Henry Kemper, John Fishback, Clement Norman, Joseph Martin, Richard Byrne, Peter Pierce, Michael Lynn, John Cornwell, John Dowell, William Key, Robert Nevill, Thomas Gardner, Charles Smith, Isaac Gibson, Benjamin Edwards, John Coreham, Griffin Matthews, John Bland, junior, William Peake, and William Berry, 1320 each,	27720
To Gilbert Crupper, a Trooper,	180
William Barr, do.	160
Nathaniel Overal, do.	260
Samuel Grigsby, do.	180
To fifteen foot soldiers, viz. Nicholas Hill, John Bolling, Edward Oneal, Joseph Neal, John Carter, Thomas	



*lbs. tob.*

Shirley, Lewis Oden, John Green, Martin Suttle, David Parsons, George Rose, John Low, James Crocket, William Suttle and William Bolling, 1395 each	20925
To six foot soldiers, viz. Isaac Settle, William Jenings, Valentine Barton, William Crouch, Moses Coppage, and John Rice, 990 each,	5940
To William Baylis for paid John Edwards,	12 s.
To George Calvert, junior, for an express,	6 s. 8d.
To the clerk for certifying two allowed claims,	40
<i>For the following claims from the County of Hampshire, viz.</i>	

*lbs. tob.*

To George Parker, for two hogs,	510
John Decker, for one barrel of Corn,	120
John Kirkendale, for corn and wheat,	175
Sarah Decker, for corn,	72
John Forman, for wheat,	180
William Buffinton, for one cow,	450
Do. for corn and wheat,	601
Do. for wheat and flour,	124
Margaret Sinder, for corn,	45
To Mary Sinder, for one hog and one shoat,	200
Nathaniel Kirkendale, for two steers,	1300
Do. for corn,	60
Do. for one hog and corn,	402
Henry Vanmeter, for three Beeves,	1080
Do. for salt,	360
Thomas M-Guire, for corn,	72
Benjamin Kirkendale, for corn,	120

*l. s. d.*

To David Gummery, for corn,	4	—	—
To William Buffinton, for wheat,	16	6	
To do. for four steers and one mutton,	8	12	—
To do. for two steers,	5	8	—
To George Parker, assignee of James Fowler, for one cow,	1	16	3
To Benjamin Kirkendale, for pork and flour,	1	16	3
To Henry Vanmeter, for beef, pork, flour & corn, 11	11	2	2
To Abraham Hite, for corn,	1	18	—
To John Kirkendale, for beef, flour, pork and salt,	5	12	1
To Job Pearsal, for one hog and salt,	1	6	4
To Joseph Edwards, for flour and bread,	7	18	1
To do. for cheese and salt,	8	7	1
To do. for pasturage of horses,	1	1	6
To David Edwards, for one cow,	2	—	—

## CHAP. II.

*An Act for amending the several acts, for making provision against invasions and insurrections, and for amending and explaining an act passed this present session of Assembly, intituled, An Act for raising the sum of twenty five thousand pounds for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned.*

Officers im-  
powered to  
impress.

I. WHEREAS it is necessary that the act of Assembly made in the twenty-second year of his majesty's reign, intituled, An act for making provision against invasions and insurrections, should be further amended, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That when any forces shall be raised out of the militia of this colony, according to the directions of the said act, or according to the act made in the twenty ninth year of his majesty's reign, intituled, An act, for amending an act, intituled, An act for making provisions against invasions and insurrections, it shall, and may be lawful for any commissioned officer, commanding any part of the same, by warrant, under the hand and seal of any county-lieutenant, colonel, lieutenant-colonel, or major, to impress and take up necessary provisions of, and from any person or persons, and to impress and take up sloops and boats necessary for the transportation of forces over rivers and creeks, or the main bay of Chesapeak, together with the rigging, tackle, furniture and apparel belonging thereunto, and also all manner of carts, waggons, draught-horses or oxen, or other conveniences for the land-carriage of provisions, great guns, arms and ammunition from place to place, and likewise any manner of utensils, tools or instruments, which shall, or may be wanted for digging or entrenching, or towards the mounting the great guns, and making them useful: And further, that it shall be lawful by warrant,



as aforesaid, to impress able and fit men to go in sloops or boats: And also any smith, wheel-wright, carpenter, or other artificer whatsoever, which shall be thought useful for the fixing of arms, making carriages for great guns, or doing any other work whatever, where need shall be of such artificer.

II. *Provided always*, That it shall not be lawful to make use of any provisions, utensils, tools or instruments so impressed or taken up, until appraisment thereof hath been made in money, by two good and lawful men upon oath, one whereof to be chosen by the proprietor of such provisions, or other thing or things so impressed, and the other by the commanding officer present, which said officer is hereby empowered to administer such oath to the persons so appointed to appraise the same. nor of any sloop, boat, cart, waggon, horses or oxen, until such appraisment made of the same, with the appurtenances belonging thereto, and also an estimate made by the same men of a suitable allowance in money, by the day for the use of such sloop, boat, cart, or waggon, with the draught-horses or oxen, and appurtenances thereto belonging, which every person so impressing, is hereby required to cause to be made, and to pay for the same as soon as he shall receive money sufficient for that purpose, upon pain of being liable to the action of the party grieved for an unlawful seizure.

Goods impressed, to be valued.

III. *And be it further enacted*, That there shall be raised and paid by the public to the officers and soldiers drawn out into actual service, by virtue of this, and the before recited acts, and to the look-outs after the rates following, *to wit*,

The pay of the officers and soldiers drawn out into actual service.

To the County-Lieutenant, or commander in chief, ten shillings per day.

#### HORSE.

A Colonel, ten shillings,  
Lieutenant-Colonel, ten shillings,  
Major, ten shillings,  
Captain ten shillings,  
Lieutenant, five shillings,  
Cornet, four shillings,  
Quarter-Master, two shillings,  
Corporal, one shilling and four-pence,  
Trumpeter, one shilling and four-pence,  
Trooper, one shilling and three-pence,

Per Day.



## FOOT.

A Colonel, ten shillings,	} Per Day.
Lieutenant-Colonel. ten shillings,	
Major, ten shillings,	
Captain, ten shillings,	
Lieutenant, five shillings,	
Ensign, four shillings,	
Serjeant, one shilling and four-pence,	
Corporal, one shilling and four-pence,	
Drummer, one shilling and two-pence,	
Soldier, one shilling,	
A look-out, after the rate of twenty shillings per month.	

Pay of  
smiths,  
wheel-  
wrights, car-  
penters, and  
other artifi-  
cers.

IV. *And be it further enacted, by the authority aforesaid, That every smith, wheel-wright, carpenter, or other artificer, and all watermen employed in the service, as by this and the said recited acts is directed, shall be paid, and allowed by the public, after the rates following, to wit,*

Every Smith, five shillings,	} Per Day.
Wheel-wright, three shillings,	
Carpenter, three shillings,	
Waterman, one shilling and six-pence,	

And where any sloop, boat, waggon or cart, impressed and appraised according to the directions of this act, shall be damaged, or horse or ox hurt, the damage of the same shall be enquired into by two good and lawful men, on oath, to be appointed, as is before directed for appraising; or if the proprietor should refuse to appoint persons to appraise or value the goods so impressed, it shall, and may be lawful for the commanding officer, then present, to appoint both persons to make such enquiry, and to administer to them an oath for that purpose, and the difference between the appraisment and the valuation, when discharged, shall be paid by the public to the proprietor of such sloop, boat, waggon, cart, horse or ox.

New taxes  
imposed.

V. And whereas it is necessary that a further sum of money should be raised for the payment of the militia drawn out into actual service, in pursuance of the several acts of Assembly concerning invasions and insurrections, *Be it further enacted, by the authority aforesaid, That the sum of two shillings, or twenty*

pounds of tobacco, at the option of the payer, shall be paid for every tithable person in this colony, to the sheriff of the county, where such tithable shall be inlisted by the person inlisting such tithables, on or before the tenth day of April, one thousand seven hundred and fifty-eight, and the like sum, on or before the tenth day of April, one thousand seven hundred and fifty-nine, and the like sum, on or before the tenth day of April, one thousand seven hundred and sixty, which duties shall be collected by the sheriffs, according to the lists of tithables taken and subsisting, at the time of payment, in each year respectively, and according to the rules and method, and under the like penalties and forfeitures, as are prescribed and directed for the collection of the taxes laid and imposed by an act of Assembly passed this present session, intitled, An act for raising the sum of twenty-five thousand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned.

VI. *And be it further enacted, by the authority aforesaid,* That the several sums of money and tobacco to be collected, by virtue of this act, for the said poll-tax, shall be, by the sheriffs respectively, accounted for upon oath, and paid to John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by, or pursuant to an act of Assembly, on or before the tenth day of June next following the time herein before limited, for payment of the said duties in each year, after deducting five per centum for each sheriff's salary in collecting the same, and be accounted for by the treasurer to the General Assembly, after deducting two per centum for his salary in receiving and paying the same.

To be paid to the treasurer.

VII. *And be it further enacted, by the authority aforesaid,* That the governor, or commander in chief of this colony, for the time being, is hereby impowered and desired to issue his warrant to the treasurer, for paying so much money as shall be necessary for the purposes aforesaid, not exceeding the sum of thirty thousand pounds in the whole, to the county-lieutenant, or chief commanding officer of the militia of each county, that shall be drawn out into actual service, in pursuance of the aforementioned laws, concerning invasions and insurrections, which shall be applied by such county-lieutenant, or chief command-

Militia to be paid by the county-lieutenant, or chief commanding officer.



Who may  
appoint a  
clerk.

ing officer of such militia, towards paying the officers and private soldiers of such militia, for the time they shall respectively be employed in the service of their country, according to the respective rates and allowances above settled. And the said county-lieutenants, or chief commanding officers of such militia so drawn out as aforesaid, are hereby also empowered and required to appoint a clerk to keep a register of their proceedings, who shall be allowed the sum of five shillings for each day he shall be so employed, and also a surgeon to attend on the militia so drafted out, Who shall be allowed the sum of ten shillings per day: And the said county-lieutenants, or chief commanding officers of such militia, shall return an exact and true account, upon oath, to the treasurer of this colony, for the time being, appointed as aforesaid, of all the monies so by them received, in pursuance of this act, and in what manner they shall have laid out the same, and shall also repay to the said treasurer all such sums of money, as shall remain in their hands, after having performed the trust hereby reposed in them.

Commissa-  
ries to be ap-  
pointed.

VIII. And to the end that the militia, which shall be at any time drafted, pursuant to the acts hereby intended to be amended, may be well supplied with all necessary provisions, *Be it further enacted, by the authority aforesaid,* That it shall, and may be lawful, for the governor, or commander in chief of this colony, for the time being, to appoint a commissary, or commissaries for the purposes aforesaid, who are hereby required to use all possible dispatch in purchasing such provisions, as shall be necessary for the militia so drafted as aforesaid, and in laying of the same in such convenient place or places, that may best suit with the places destined for the marching and rendezvous of such militia. And it shall, and may be lawful, for the governor, or commander in chief as aforesaid, to issue his warrant to the treasurer of this colony, for paying to such commissary, or commissaries, so much money, as he shall judge necessary for purchasing such provisions as aforesaid; and the said treasurer is hereby directed and required to pay the same out of the money that shall be raised by virtue of this act; and every commissary so to be appointed, shall be allowed out of the said money, twenty shillings per day for his trouble, together with all reasonable expences attending the same.



IX. *And be it further enacted, by the authority aforesaid,* That every such commissary shall return an exact and true account, upon oath, to the treasurer of this colony as aforesaid, of the disbursement of all such sum and sums of money, that shall be paid by the treasurer to such commissary, in pursuance of this act.

Commissaries duty.

X. *And be it further enacted, by the authority aforesaid,* That when the militia of any county shall be drawn out into actual service, by virtue of this act, and of the several acts concerning invasion and insurrections, every officer and soldier of such militia shall be exempted from all process in any cause or suit whatsoever (other than for some criminal matter) and his estate privileged from all executions, attachments and distresses whatsoever; and that if any suit shall be depending in any court whatsoever, in which any officer or soldier so drawn out as aforesaid, shall be a party, either plaintiff or defendant, the same shall be stayed, and no proceedings be had or taken therein, during the time such officer or soldier shall continue in such service.

Militia drafted, exempted from arrests, &c.

XI. And whereas by the said act of Assembly, For raising the sum of twenty-five thousand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned, the county-lieutenant, or chief commanding officer of the militia of every county in this colony, is empowered and required, within twenty days after the passing of the said act, under the penalty of five hundred pounds, to call a council of war, and to cause to be draughted out of the militia of their respective counties, one man for every twentieth man, of which such militia shall consist, for immediate service.

The militia of those counties now ordered out by the governor, not to be drafted according to a former act, till their return.

XII. And whereas the governor has thought proper to order out the militia of several counties, and may hereafter, within the time limited by the said act for draughting the militia as aforesaid, order out the militia of other counties, to repel the incursions of the enemy, and it is impracticable that the militia of such counties so ordered out, can be draughted according to the directions of the said act, *Be it further enacted, by the authority aforesaid,* That the county-lieutenant, or chief commanding officer of the militia of every county so ordered out, shall be exempt from the penalties and forfeitures in the said act inflicted, for failing to

perform the duty thereby required of them, but are hereby impowered and required, under the like forfeitures and penalties, to cause such militia, after their return from the service aforesaid, to be draughted according to the directions of the said recited act, any thing in the said act to the contrary notwithstanding.

XIII. And whereas, by reason of the long time allowed for collecting the duties imposed by this act, (which, from the distressed circumstances of the people, and the great scarcity of gold and silver coin in this colony, could not be sooner done) the said duties will not be collected in time to answer the purposes hereby intended, *Be it therefore enacted*, That John Robinson, esquire, treasurer of this colony, or the treasurer for the time being appointed, as aforesaid, be, and he is hereby authorised, and required to issue and emit so many treasury notes, as will be sufficient for the purposes aforesaid, not exceeding thirty thousand pounds, which shall be prepared and signed in the same manner, and be under the same regulations, and of the same value, and redeemable at the same time, as the treasury notes directed to be emitted by the said above recited act of Assembly, For raising the sum of twenty-five thousand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned, are directed and appointed.

Duties imposed by this act to stand as a security for the redemption of the said notes.

XIV. *And be it further enacted, by the authority aforesaid*, That the money to be raised by the duties imposed by this act, shall stand, be, and remain as a security for the redemption of the said treasury notes so to be issued, and the said John Robinson, treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money, as shall come to his hands, by virtue of this act, for, and towards the redemption of such treasury notes, and to no other use or purpose whatsoever.

Repealing clause.

XV. *And be it further enacted, by the authority aforesaid*, That so much of the said recited acts of Assembly, and of all other acts, as are contrary and repugnant to any thing within the purview of this act, shall be, and are hereby repealed: And that this act, as to so much thereof as relates to the paying of the officers and soldiers in money, shall continue, and be in force from, and after the passing thereof for, and during the term of one year, and no longer.



XVI. And whereas it is now judged necessary that a fort should be immediately erected in the town of Winchester, in the county of Frederick, for the protection of the adjacent inhabitants from the barbarities daily committed by the French and their Indian allies, *Be it enacted, by the authority aforesaid,* That the governor, or commander in chief of this colony for the time being, is hereby impowered, and desired to order a fort to be built with all possible dispatch in the aforesaid town of Winchester, and that his honor do give such orders and instructions for the immediate effecting and garrisoning the same, as he shall think necessary for the purposes aforesaid. And the governor, or commander in chief of this colony, is hereby also impowered, and desired to issue his warrant to the treasurer for the payment of so much money, as he shall think necessary for the purposes aforesaid, not exceeding the sum of one thousand pounds, who is hereby required to pay the same in treasury notes, to be emitted by virtue of the said act of Assembly, For raising the sum of twenty-five thousand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned.

A fort to be  
erected in  
Winchester

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### CHAP. III.

#### *An Act for appointing a Treasurer.*

I. WHEREAS by one act of Assembly, made in the twenty-fifth year of the reign of his present majesty, John Robinson, esquire, was appointed treasurer of the revenues arising from the duty upon liquors and slaves, laid and imposed by one act of Assembly, made in the nineteenth year of the reign of his present majesty, intituled, An act for reducing the laws made for laying a duty upon liquors into one act of Assembly, and by one other act made in the twenty-second year of his said majesty's reign, intituled, An act for continuing the act, intituled, An act for redu-

Preamble.



cing the laws made for laying a duty upon liquors into one act of Assembly, and also by one act made in the twenty-fifth year of his said majesty's reign, intituled, An act for continuing a clause of an act of Assembly therein mentioned; and also by one other act of the same session, intituled, An act for reviving the duties upon slaves, to be paid by the buyers, for a term therein mentioned, and of all other monies payable to the treasurer of this colony for public uses, by virtue of any other act or acts of Assembly, to hold the said office of treasurer, so long as he should continue speaker of the house of burgesses, and from the time of his being out of that office, until the end of the next session of Assembly.

The treasurer.

II. And whereas the said first mentioned act, will expire at the end of this session of Assembly, and it being expedient that a treasurer should be appointed; *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the passing of this act, John Robinson, esquire, shall be, and he is hereby nominated, constituted and appointed treasurer of the revenue arising from the duties laid by the before recited acts of Assembly, and of all other public monies, payable to the treasurer of this colony, for public uses, by virtue of any other act or acts of Assembly. To hold the said office so long as he shall continue speaker of the house of burgesses, and from the time of his being out of the said office to the end of the next session of Assembly. And the said John Robinson, is hereby authorised, impowered, and required to demand, receive and take of, and from the several collectors of the said duties, all and every the sum and sums of money, arising by force and virtue of the said acts, or any or either of them, and shall apply and utter the same to, and for such uses, and upon such warrants, as by the said acts for laying the said duties, or by any other act or acts of the General Assembly, is, or shall be appointed or directed, and shall be accountable for the said money to the General Assembly.

His duty.

His salary.

III. *And be it further enacted, by the authority aforesaid,* That the salary of five pounds in the hundred, or so much as is, or shall be by any special act or acts of Assembly allowed and limited, and so proportionably for a greater or lesser sum, shall be allowed and

paid to the said treasurer hereby appointed, out of all and every the sum and sums of money by him received and accounted for, to the General Assembly, as aforesaid: And that there shall be also allowed to the said treasurer, for auditing and settling the accounts of inspectors of tobacco, during the continuance of the laws in that behalf made, the sum of one hundred and fifty pounds per annum, for his trouble and service therein.

IV. *Provided always*, That the said treasurer before he enters upon his office, shall give such sufficient security as shall be approved of by the governor, or commander in chief of this colony, in the sum of fifty thousand pounds, for the due answering and paying all the money, by him from time to time to be received, as aforesaid. To give bond and security.

V. And to the end a treasurer may not be wanting in case of the death, resignation, or disability of the treasurer hereby appointed; *Be it further enacted*, That in either of these cases it shall and may be lawful for the governor, or commander in chief of this colony, with the advice of the council, for the time being, to appoint some other fit and able person to be treasurer of the duties, to hold the said office with all powers, authorities, salaries, and profits, aforesaid, until the end of the next session of Assembly, which treasurer, so appointed, shall, before he enters upon his office, give the like security, as is herein before directed. Where the treasurer dies.

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#### CHAP. IV.

### *An Act for disarming Papists, and reputed Papists, refusing to take the oaths to the government.*

I. WHEREAS it is dangerous at this time to permit Papists to be armed, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That it shall, and may be lawful, Preamble.



Where Papists refuse to take the oaths, when tendered.

for any two or more justices of the peace, who shall know, or suspect any person to be a Papist, or shall be informed that any person is, or is suspected to be a Papist, to tender, and they are hereby authorised and required to tender to such person so known, or suspected to be a Papist, the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy; and if such person, so required, shall refuse to take the said oaths, and subscribe the test, or shall refuse, or forbear to appear before the said justices for the taking the said oaths, and subscribing the said test, upon notice to him given, or left at his usual place of abode, by any person authorised in that behalf, by warrant under the hands and seals of the said two justices, such person from thenceforth shall be taken to be, and is hereby declared to be liable and subject to all and every the penalties, forfeitures, and disabilities hereafter in this act mentioned.

Duty of justices.

II. *And be it further enacted*, That the said justices of the peace shall certify the name, surname, and usual place of abode of every person, who being required, shall refuse, or neglect to take the said oaths, and subscribe the said test, or to appear before them for the taking the said oaths, and subscribing the said test, as also of every person, who shall take the said oaths, and subscribe the said test at the next court to be holden for the county for which they shall be justices of the peace, to be there recorded by the clerk of the said court, and kept among the records of the said court.

No Papists  
to keep  
arms, &c.

III. *And for the better securing the lives and properties of his majesty's faithful subjects, Be it further enacted and declared*, That no Papist, or reputed Papist so refusing, or making default as aforesaid, shall, or may have, or keep in his house or elsewhere, or in the possession of any other person to his use, or at his disposition, any arms, weapons, gunpowder or ammunition, (other than such necessary weapons as shall be allowed to him, by order of the justices of the peace at their court, for the defence of his house or person) and that any two or more justices of the peace, from time to time, by warrant under their hands and seals, may authorise and empower any person or persons in the day-time, with the assistance of the constables where the search shall be (who is hereby required to be aiding and assisting herein) to search for all arms, weapons, gunpowder or ammunition, which shall be

in the house, custody, or possession of any such Papist, or reputed Papist, and seize the same for the use of his majesty and his successors; which said justices of the peace shall from time to time, at the next court to be held for the county, where such seizure shall be made, deliver the said arms, weapons, gunpowder and ammunition, in open court, for the use aforesaid.

IV. *And be it further enacted*, That every Papist, or reputed Papist, who shall not, within the space of ten days after such refusal, or making default as aforesaid, discover and deliver, or cause to be delivered to some of his majesty's justices of the peace, all arms, weapons, gunpowder or ammunition, which he shall have in his house or elsewhere, or which shall be in the possession of any person to his use, or at his disposition, or shall hinder or disturb any person or persons, authorised by warrant under the hands and seals of any two justices of the peace to search for, and seize the same; that every such person so offending contrary to the act of Assembly in this behalf made, shall be committed to the goal of the county where he shall commit such offence, by warrant under the hands and seals of any two justices of the peace, there to remain without bail or mainprize for the space of three months, and shall also forfeit and lose the said arms, and pay treble the value of them to the use of his majesty and his successors, to be appraised by the justices of the peace at the next court to be held for the said county. Penalties on them.

V. *And be it further enacted*, That every person who shall conceal, or be privy, or aiding or assisting to the concealing; or who knowing thereof, shall not discover, or declare to some of his majesty's justices of the peace, the arms, weapons, gunpowder or ammunition of any person so refusing, or making default as aforesaid, or shall hinder or disturb any person or persons authorised as aforesaid in searching for, taking and seizing the same, shall be committed to the goal of the county where he shall commit such offence, by warrant under the hands and seals of any two justices of the peace, there to remain, without bail or mainprize; for the space of three months, and shall also forfeit and pay treble the value of the said arms to his majesty and his successors. All persons to discover papists keeping arms, &c.

VI. *And be it further enacted*, That if any person or persons shall discover any concealed arms, weapons, Their reward for



such discovery.

ammunition or gunpowder belonging to any refusing or making default, as aforesaid, so as the same may be seized as aforesaid, for the use of his majesty and his successors; the justices of the peace upon delivery of the same at the county court, as aforesaid, shall have power, and they are hereby required, as a reward for such a discovery, by order of court, to allow him or them a sum of money amounting to the value of the arms, weapons, ammunition, or gunpowder, so discovered, the said sum to be assessed by the judgment of the said justices, at their said court, and to be levied by distress and sale of the goods of the person offending against this act, rendering the overplus which shall arise by such sale, above the said sum, so allowed, and above the necessary charges of taking such distress, to the owner.

Where the party desires to conform.

VII. *Provided always*, That if any person who shall have refused or made default, as aforesaid, shall desire to submit and conform, and for that purpose shall present himself before the justices of peace, at the court to be held for the county where his refusal or making default, as aforesaid, shall be certified as aforesaid, and shall there in open court take the said oaths, and subscribe the said test, he shall from thenceforth be discharged of and from all disabilities and forfeitures, which he might or should be liable to for the future, by reason of his refusal or default, as aforesaid.

No Papist to keep any horse above the value of 5*l*. to be sold.

VIII. *And be it further enacted*, That no Papist, or reputed Papist, refusing or making default, as aforesaid, at any time after the first day of July, in the year of our Lord, one thousand seven hundred and fifty-six, shall or may, have or keep, in his own possession, or in the possession of any other person to his use, or at his disposition, any horse or horses, which shall be above the value of five pounds, to be sold, and that any two or more justices of the peace, from time to time, by warrant under their hands and seals, may and shall authorize any person, or persons, with the assistance of the constable where the search shall be (who is hereby required to be aiding and assisting herein) to search for, and seize for the use of his majesty and his successors all such horses, which horses are hereby declared to be forfeited to his majesty and his successors.

IX. *And be it further enacted*, That if any person shall conceal, or be aiding or assisting in the concealing any such horse, or horses, belonging to any Papist, or reputed Papist, so refusing or making default, as aforesaid, after the said first day of July, such person shall be committed to prison, by such warrant, as aforesaid, there to remain without bail or mainprize, by the space of three months, and shall also forfeit and pay to his majesty and his successors, treble the value of such horse or horses, which value is to be settled as aforesaid.

Penalty on persons concealing such horses.

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## CHAP. V.

### *An Act to enable certain persons to contract for the transportation of the neutral French to Great-Britain.*

I. WHEREAS a large number of people called neutral French, have lately been sent into this colony, from Nova Scotia, and it is apprehended their continuance here will greatly endanger the peace and safety of the colony: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That Peyton Randolph, esquire, Richard Bland, John Chiswell, Benjamin Waller, James Power, Archibald Cary, Robert Carter Nicholas, Dudley Digges, and Bernard Moore, gentlemen, or any five of them, be, and they are hereby impowered and required to contract with any person, or persons, willing to transport the said neutral French to Great-Britain, and to agree on such prices, terms, and conditions, as they, or any five of them, shall judge reasonable for that purpose.

Neutral French to be transported to Great-Britain.

II. *And be it further enacted, by the authority aforesaid*, That the treasurer of this colony be, and he is hereby impowered and required, by warrant from the governor or commander in chief, to pay and discharge all such sums of money, as the said Peyton Randolph, Richard Bland, John Chiswell, Benjamin Waller,



James Power, Archibald Cary, Robert Carter Nicholas, Dudley Digges, and Bernard Moore, or any five of them, shall contract for, for the purposes aforesaid, in treasury notes, to be issued or emitted pursuant to an act of Assembly passed in the twenty-ninth year of the reign of his present majesty, intituled, An act for raising the sum of forty thousand pounds for the protection of his majesty's subjects on the frontiers of this colony.

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## CHAP. VI.

### *An Act to revive and amend an Act, intituled, An Act for inspecting Pork, Beef, Flour, Tar, Pitch, and Turpentine.*

Revival and amendment of act, for inspection of pork, beef, flour, tar, pitch, and turpentine.

I. WHEREAS an act of Assembly, made in the twenty-second year of the reign of his present majesty, intituled, An act for inspecting pork, beef, flour, tar, pitch, and turpentine, did expire at the end of the last session of Assembly, and the same being, by experience, found useful and beneficial to the trade and export of this colony, and necessary to be revived and amended: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That the said recited act of Assembly, and every clause and article thereof, shall stand and be revived, and shall continue and be in force from, and after the passing of this act, for, and during the term of five years, and from thence to the end of the next session of Assembly.

II. *And be it further enacted, by the authority aforesaid,* That no inspector shall pass or stamp any barrel of pork or beef that does not appear to such inspector to be well salted and cured, before the same is packed, any thing in the said act to the contrary thereof in any wise notwithstanding.

## CHAP. VII.

*An Act for appointing Trustees to lease out certain lands and slaves, and for other purposes therein mentioned.*

I. WHEREAS Henry Peasley, formerly of the county of Gloucester, deceased, was in his life time, and at the time of his death, seized in fee-simple of a tract or parcel of land, containing six hundred acres, or thereabouts, lying and being in the parish of Abingdon, in the said county, and being so seized, by his last will and testament, in writing, bearing date the seventeenth day of March, in the year of our Lord, one thousand six hundred and seventy five, devised the same by the description of the land he then lived on, together with ten cows and one breeding mare, for the maintenance of a free school for ever, to be kept with a school-master for the education of the children of the parishes of Abingdon and Ware, for ever.

Certain lands and slaves, devised by Henry Peasley of Gloucester, for a free-school to be leased.

II. And whereas several slaves have been by different persons, since the above devise, given for the same purposes, but by reason of the inconvenient situation of the said land few children frequent the free-school kept there, so that the charitable intention of the said Henry Peasley, and the other donors is of little benefit to the said two parishes.

III. And whereas it is represented to this present General Assembly, by the ministers, churchwardens, and vestrymen of the said two parishes of Abingdon and Ware, that if proper persons were empowered to lease out the said land and slaves, the annual rents thereof would be sufficient to support and maintain a free-school in each of the said parishes for the education of the children residing there. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgresses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the present ministers, churchwardens, and vestrymen of the said two parishes of Abingdon and Ware, and the ministers, churchwardens, and vestrymen of the same parishes, for the time being, shall and may be, and they are hereby nominated and appointed trustees and go-*

Trustees of Peasley's free school to be incorporated.



Style of corporation.

vernors of the said lands, slaves, and other premisses for ever; and that the said trustees and governors shall for ever hereafter, stand and be, incorporated, established, and founded. in name and deed, a body politic and corporate to have continuance for ever, by the name of the trustees and governors of Peasley's free-school; and that they the said trustees and governors may have perpetual succession, and that by that name they and their successors may for ever hereafter have, hold, and enjoy the above mentioned tract or parcel of land, slaves, and other premisses, with their increase, and that the said trustees and governors and their successors, or the greater part of them, by the same name, shall and may have power, ability, and capacity to demise, lease, and grant the said tract or parcel of land, slaves, and other premisses, for any term of years, not exceeding twenty-one years, or for any term of years determinable upon one, two, or three lives, or for one, two, or three lives, reserving the best and most improved rents that can be got for the same, and to take, acquire, and purchase, and to sue and be sued, and to do, perform, and execute all other lawful acts and things, good, necessary, and profitable for the said incorporation, in as full and ample a manner and form, to all intents, constructions, and purposes, as any other incorporation or body politic and corporate fully and perfectly founded and incorporated may do; and that the said trustees and governors, and their successors, for the time being, may have and use a common seal for making such their demises, leases and grants, and for the doing all and every other thing and things touching, or in any wise concerning the said incorporation.

Free school founded.

IV. *And be it further enacted, by the authority aforesaid,* That they the said trustees and governors, and their successors, or the greater part of them, shall and may, and they are hereby impowered and required, to erect and found a free-school in some convenient part of each of the said parishes of Abingdon and Ware, and by writing under their common seal, to nominate and appoint when, and as often as they shall think necessary, such person, or persons, as they shall approve of to be masters of the said free-schools, respectively, which masters, before they be admitted to keep school, shall undergo an examination before the minister of the parish in which the school he shall be appointed

master of shall be situated, and produce a certificate of his capacity, and also a licence from the governor or commander in chief of this dominion, for the time being, agreeable to his majesty's instructions; and the said trustees and governors shall issue and apply the rents of the said tract or parcel of land, slaves, and other premisses for the erecting, maintaining, and supporting a free-school and schoolmaster, in each of the said parishes for ever, for the education of the children of the said parishes respectively, and the said trustees and governors, and their successors, for the time being, shall and may have full power and authority to visit the said free-schools, and to order, reform, and redress all disorders and abuses in and touching the government and disposing of the same, and to remove the masters, as to them, or the greater part of them, shall seem just, fit, and convenient.

V. *And be it further enacted, by the authority aforesaid,* That the said trustees and governors, and their successors, or the greater part of them, for the time being, shall have full power, ability, and capacity, by the name aforesaid, to sue for and recover all rents and arrears of rent, and all and every sum and sums of money due for the use and occupation of the said tract or parcel of land, slaves, and other premisses, by virtue of any agreement or contract heretofore made by any person or persons whatsoever.

Power of  
trustees.

VI. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their heirs and successors, other than the person or persons claiming as heir, or under the will of the said Henry Peasley, all such estate, right, title, claim, and demand, which they, or any of them, should or might have, of, in, to, or out of the premisses, or any of them, or any part thereof.



## CHAP. VIII.

*An Act to enable the Nottoway Indians to sell certain lands, and for other purposes therein mentioned.*

Nottoway  
Indians au-  
thorised to  
sell certain  
lands.

I. WHEREAS by an act of Assembly made in the twenty-second year of the reign of his present majesty, intituled, An act to enable the Nottoway Indians to sell certain lands, and for other purposes therein mentioned, the chief men of the said Nottoway nation were empowered, with the consent and approbation of certain trustees therein named, to sell and convey for the use and benefit of the said Nottoway nation, three thousand acres, or thereabouts, part of their tract of land six of miles square, lying between the western boundary of their said tract, and Buckhorn swamp, on the south side of Nottoway river, in the county of Southampton, so that no part of the said main swamp be included within such sale for the best price that could be got.

Trustees ap-  
pointed to  
sell.

II. And whereas there are about three hundred acres of low ground within the bounds aforesaid, undisposed of, and since the passing the said act the number of the said Indians, for want of the common necessaries of life, and by sickness and other casualties, is much reduced, and that part of their said lands, lying on the east side of Buckhorn swamp, and the south side of Buckhorn road, to the eastern and southern boundary of their said land, containing about five thousand acres, is more than they are able, in their present circumstances, to cultivate or make any use of, and they have petitioned this Assembly to be enabled to sell the same, for the payment of their debts, and the better support and maintenance of themselves and their posterity; *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That the chief men of the said Nottoway nation be, and they are hereby empowered, by, and with the consent and approbation of Joseph Gray, William Taylor, and Howell Edmunds, gentlemen, the survivors or survivor of them, who are hereby appointed trustees to see this act duly executed, to sell at a credit

not exceeding twelve months, and convey as well the said three hundred acres of low grounds as the said five thousand acres within the bounds aforesaid, for the best price that can be got, and after any agreement made for the sale of the same, or any part thereof, it shall and may be lawful for the chief men of the said nation, together with the trustees aforesaid, or the survivors or survivor of them, to seal and deliver any deed or deeds, indented for the conveyance of the fee-simple and inheritance of the said lands to the purchaser, who, before the execution of such deed or deeds, shall enter into bond, with good security, for the payment of the purchase money to the said trustees, for the use and purposes herein expressed; and any deed or deeds, so executed and perfected, and acknowledged or proved by the oath of three witnesses, in the court of the said county of Southampton, or in the general court of this colony, and recorded in such court, shall be good and sufficient in law to pass the fee-simple estate of the said lands so sold; and the purchaser or purchasers, his or their heirs and assigns, shall for ever hold and enjoy the same, free and discharged from the claim of the said Nottoway Indians and their posterity, any former acts of Assembly, law, usage, or custom to the contrary thereof in any wise notwithstanding.

Deeds for,  
where to be  
recorded.

III. *Provided always*, That the purchaser or purchasers of the said lands, his, her or their heirs or assigns, shall hold the same of his majesty, his heirs and successors, under the like quit-rents as are paid by persons obtaining grants for lands from his majesty.

Proviso.

IV. *Provided also*, That the said trustees shall cause public notice to be given at least thirty days before the sale, by fixing up advertisements of the time and place of such sale, at the door of the court-house of the said county, on a court-day, and at every church and chapel in the parish where the said lands lie, which sale shall be made by public auction upon the said lands, and if any purchase shall be made, by any person or persons whatsoever, contrary to this act, the same shall be void to all intents and purposes.

Notice of  
sale.

V. *And be it further enacted, by the authority aforesaid*, That the said trustees, and the survivors or survivor of them, are hereby impowered and required to examine and settle the accounts and claims exhibited against the said Nottoway nation or any of the said

Trustees to  
settle ac-  
counts of In-  
dians.



Indians, and the same being duly proved, to pay and satisfy out of the money arising by such sale, or part or share of the money due to the Indian or Indians, against whom such account or claim shall be exhibited respectively; provided that no part of such account or claim for spiritous liquors shall be allowed: And when the said accounts shall be fully satisfied and paid according to the true intent and meaning of this act, the said trustees, or survivors or survivor of them, shall retain the money over and above in their own hands, which shall be by them applied towards furnishing the said Indians, with the common necessities of life, and enabling them to pay their annual tribute, and no other use or purpose whatsoever; and the said trustees, the survivors or survivor of them, shall account to the general Assembly as often as required, in what manner they have discharged the trust reposed in them by this act, and shall be allowed in their accounts five per centum, upon the whole money arising from the sale, for their trouble and expence in the execution thereof.

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## CHAP. IX.

*An Act for continuing and amending an Act, intituled, An Act for the relief of the proprietors of the Tobacco burnt at Bolling's-Point warehouse, in the county of Dinwiddie, and for the relief of the proprietors of Tobacco burnt in Coan and Deep-Creek warehouses.*

Provision for relief of proprietors of tobacco burnt at Bolling's-point warehouse, and in Coan and Deep Creek warehouses.

I. WHEREAS in and by an act of Assembly, made in the twenty eight year of the reign of his present majesty, intituled, An act for the relief of the proprietors of the tobacco burnt in Bolling's-Point warehouse, in the county of Dinwiddie, among other things a duty of three shillings and six-pence is imposed for every hogshead of tobacco passed at the several warehouses in this colony, from and after the twentieth day

of October now last past, which act as to so much thereof as relates to the imposition of the said duty, will expire on the twentieth day of October next ensuing.

II. And whereas by reason of the present short crop of tobacco, the said duty will not raise money sufficient for the purposes mentioned in the said act, and it is necessary that the said duty should be further continued: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same,* That so much of the said recited act of Assembly as relates to the imposing, collecting, and accounting for the said duty, shall continue and be in force from and after the said twentieth day of October next, until the twentieth day of October one thousand seven hundred and fifty seven, and no longer, and that the money arising from the said duty shall be paid to John Robinson, esquire, treasurer, or to the treasurer for the time being, appointed by, or pursuant to an act of Assembly, and by the said treasurer accounted for to the General Assembly, after deducting two per cent. for his salary in receiving the same, and shall be applied as is herein after directed.

III. And whereas by a late accidental fire large quantities of tobacco were burnt in the public warehouses at Coan, in the county of Northumberland, and at Deep-Dree, in the county of Lancaster, an account of which tobacco, with the names of the proprietors, is stated in the memorials of the inspectors of the said warehouses respectively, and contained in a schedule hereunto annexed, for the relief of which sufferers, *Be it further enacted, by the authority aforesaid,* That the said treasurer, out of the money to be raised by this and the said recited act, shall, some time before the last day of July next ensuing, pay to the several proprietors of the tobacco burnt in the said last mentioned warehouses, and mentioned in the said schedule, after the rates following, that is to say, for the two hogsheads of crop tobacco inspected at Coan warehouse, in the year one thousand seven hundred and fifty three, also for the transfer tobacco burnt in the said warehouse, for which the inspectors notes are out, and for the three hogsheads of uninspected tobacco burnt in the said warehouse after the rate of ten shillings and six-pence per hundred; for the nett transfer



tobacco burnt in the said warehouse, and for which no notes are out, and also for all the transfer tobacco burnt in the said Deep-Creek warehouse, after the rate of eleven shillings per hundred; for the hogshead of crop tobacco inspected in the said Coan warehouse, in the year one thousand seven hundred and fifty four, after the rate of twelve shillings per hundred; and for the crop tobacco inspected at each of the said warehouses of Coan and Deep-Creek, in the year one thousand seven hundred and fifty-five, after the rate of twelve shillings and six-pence per hundred.

IV. And whereas by reason of the deficiency of the duty laid by the said recited act, and the long time of payment of the duty hereby continued, the treasurer will not be able to pay the proprietors of the tobacco burnt in the said Bolling's-Point warehouse at the time mentioned in the said act, and it will be injurious to the said proprietors to wait any longer, or even until that time, for such payment; they, and also the proprietors of the said tobacco burnt at Coan and Deep-Creek warehouses, being by law entitled to immediate satisfaction for their losses: *Be it therefore enacted, by the authority aforesaid,* That so much of the said recited act as directs the treasurer to pay the said proprietors of tobacco burnt in Bolling's-Point warehouse for their said losses, on the last day of October next ensuing, be, and the same is hereby repealed, and that the said treasurer, out of the duties laid by this and the said recited act, shall, some time before the said last day of July next ensuing, pay the said several proprietors for their tobacco according to the rates and regulations in the said act mentioned, with an interest of five per centum per annum, from the time of passing the said recited act until the time of such payment.

V. *And be it further enacted,* That it shall and may be lawful for the said John Robinson, or the treasurer for the time being, appointed as aforesaid, to issue or emit, at any time or times, before the last day of October next, and not after, in such proportions as he shall find necessary to answer the demands that shall be made on him, for the purposes of this and the said recited act, any number of treasury notes so as the whole sum of such notes shall not exceed the sum of ten thousand pounds current money, which notes shall be prepared, printed or engraved, and numbered in

such form, and after such method as the said treasurer shall judge most convenient for their circulating in payments, and being safe from counterfeits and forgeries and shall be signed by John Robinson, esquire, treasurer, or the treasurer for the time being, appointed as aforesaid, and Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman, who shall be allowed twenty-five pounds each for their trouble in doing the same, to be deducted out of the allowance to the treasurer for emitting the said notes, and the said treasurer shall be allowed two per centum, upon the notes so to be issued for his trouble therein.

VI. *And be it further enacted*, That all such notes, so issued, shall be redeemable on the fifteenth day of December; one thousand seven hundred and fifty seven, and shall then be paid by the said treasurer; and further, that all such notes, shall be received and pass as a lawful tender in any payment, for any debt, demand, or duty whatsoever (except for the payment of his majesty's quit rents) from and after the issuing of the same, for and during the time before specified for their redemption aforesaid.

VII. *And be it further enacted, by the authority aforesaid*, That if any person or persons, shall forge or counterfeit, alter or erase, any treasury note issued by virtue of this act, or shall tender in payment by way of barter, or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person or persons, so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony without benefit of clergy.

VIII. *And be it further enacted*, That the money to be raised by virtue of this and the said recited act, shall stand, remain, and be, as, and for a security for the redemption of the said treasury notes, so to be issued, and the said John Robinson, treasurer, or the treasurer for the time being, to be appointed as aforesaid, is hereby required to apply all such money as shall come to his hands, by virtue of this and the said recited act, for, and towards the redemption of such treasury notes, and to no other purpose.



*A Schedule of the Tobacco burnt in Deep-Creek warehouse, to which this Act refers.*

Crop Tobacco. Owners names.	Marks.	Num's.	Quan. of Nett tob.	Transfer Tobacco. Owners names.	Quantity of Nett tobacco.
William Glascock,	W G	1	950	Christopher Lawson,	1680
do.	do.	2	950	Miel Scurlock,	964
George Kerr,	G K	1	950	Henry Tapscott,	558
do.	do.	2	950	Henry Newby:	178
do.	do.	3	950	Mary Newby,	43
George M·Call,	G M	1	950	George Kerr,	220
do.	do.	2	950	George M·Call,	1021
do.	do.	3	950	Transfer notes not	} 2811
Henry Tapscott,	HT‡	11	951	given in, amount-	
do.	do.	12	945	ing to	
do.	do.	13	949		
do.	do.	14	953		
do.	do.	15	946	¶ Over the S and P is a fi-	
George Heale,	GSH	20	950	gure of 4, and under them	
James Bush,	I B	3	903	a Crow's foot.	
Joseph Chinn;	I P C	16	986	‡ These are Letters in a	
Samuel Brumley,	S B	3	1050		
Henry Newby;	HN‡	1	950		

*A SCHEDULE of the Tobacco burnt in Coan Warehouse, to which this Act refers.*

**Transfer Tobacco for which Notes are out.**

Time when received.	Crop Tobaccoo.	Owners Names.	Marks.	No.
1753. <i>Dec.</i> 14.		Elizabeth Wanghop,	E W	8 1091 1074
1754. <i>Decem.</i>		Richard Walker,	R W	1 1018 1075
		Jacob Haney,	I H	1 996 1078
		Presley Thornton,	P T	39 1007 1079
		do.	do.	40 1032 1082
		do.	do.	41 1000 1084
		do.	do.	42 832 1085
		do.	do.	43 1042 1086
		Samuel Blackwell,	S B	9 950 1088
		do.	do.	11 951 1089
		do.	do.	28 955 1090
		Joseph Power,	I P	2 881 1091
		Charles Betts,	C B	3 950 1092
		Henry Edwards,	H E	1 953 1093
		John Taft,	I T	1 952 1094
		Charles Betts,	C B	25 916 1095
		Joseph Humphries,	I H	1 941 1096
		Jane Morehead,	I M	6 972 1097



## SCHEDULE—Continued.

Thomas Wilkins,	T W	2	968	1098	120	1042	100	828	23	625	15	451	31	181	67
Samuel Blackwell,	S B	32	950	1099	60	1044	115	829	14	626	15	453	30	186	15
do.	do.	22	967	1100	139	1049	88	838	119	631	16	455	24	195	20
do.	do.	52	970	1101	200	1050	30	842	40	635	30	456	15	196	40
Patrick Mealey,	P M	2	952	1102	190	1052	100	845	100	644	18	457	45	199	40
Elizabeth Wanhop,	E W	12	953	1103	120	1053	100	845	135	647	57	463	35	204	70
Thomas Smith,	T S	31	929	1104	33	1055	68	855	40	648	25	464	50	205	23
William Glascock,	W G	1	916	1105	40	1056	40	862	10	654	48	466	149	206	44
do.	do.	2	984	907	15	1057	50	864	25	669	76	471	48	208	90
Joseph Ball,	I B	3	994	909	30	1059	116	865	100	675	80	477	27	212	86
William Denney,	W D	1	1094	912	73	1061	25	870	91	677	20	481	92	217	12
Thomas Cottrell,	T C	1	1003	914	100	1063	300	877	10	679	13	483	20	219	75
Rebecca Beacham,	R B	1	958	915	51	1064	20	935	50	609	100	485	60		
Samuel Blackwell,	S B	53	915	918	40	1065	238	936	71	449	22	442	300		
do.	do.	57	967	922	14	1067	20	940	15	234	104	2	10		
George Kerr,	G K	40	950	924	25	1068	235	415	189	337	10	5	22		
William Glascock,	W G	3	936	35	319	1072	100	487	86	338	20	7	80		
Thomas Pollin,	T P	3	1009	114	101	1073	130	491	72	339	71	11	13		
Thomas Dameron,	T D	2	1039	127	42	184	40	493	17	340	10	12	335		
Matthew Busell,	M B†	54	920	944	15	683	100	497	15	345	200	16	25		
Sarah Hulett,	S H	3	915	951	52	685	30	512	9	350	50	21	50		
Thomas Dameron,	T D	5	1031	957	78	687	20	514	116	357	127	23	10		
do.	do.	7	1073	960	234	688	10	518	20	359	126	24	25		
Sarah Hulett,	S H	5	952	963	461	695	41	519	16	360	100	26	12		
George Kerr,	G K	39	950	964	99	699	530	520	9	368	10	29	8		

*SCHEDULE—Continued.*

Benjamin Haney,	BH	2	1058	968	12	702	15	521	67	374	20	32	550
Benjamin Lansdale,	BL	2	823	969	80	713	90	522	18	375	20	40	50
Joshua Nebus,	IN	1	960	971	116	714	50	525	116	376	92	44	57
Charles Betts,	CB	2	1024	972	116	715	10	526	50	377	20	46	30
Thomas Dameron,	TD	6	1035	978	284	716	10	529	74	381	25	52	149
				987	67	717	9	531	116	384	40	54	20
				990	132	718	9	535	30	386	23	69	60
				991	20	720	120	536	50	389	10	72	12
				995	50	721	180	540	203	391	46	73	278
				996	3	723	90	541	27	396	30	76	43
				998	38	725	60	544	85	401	9	85	25



Transfer Tobacco for which no Notes are out.		Quantity.
Owners names.	lbs. of nett tob.	lbs. of nett tob.
David Boyd,	41	Three hogsheds of tobacco not inspected belonging to William Nebus, weighing } 3275
William Glascock,	853	
John Tarpley,	1575	
Charles Coppedge,	251	
George Kerr,	3030	
Stephen Haney,	65	
Anthony Kettrick,	2066	
William Taite,	471	

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## CHAP. X.

### *An Act for adding certain Lands, therein mentioned, to the City of Williamsburg.*

Certain  
lands of Ben-  
jamin Wal-  
ler, added to  
the city of  
Williams-  
burg.

I. WHEREAS it hath been represented to this General Assembly, That Benjamin Waller, gentleman, hath laid out a certain parcel of his lands, in the counties of York and James-City, contiguous to the city of Williamsburg, at the east end thereof, into lots, and the purchasers of the said lots have petitioned that they may be taken into the limits of the said city, and enjoy all the privileges of the freeholders and inhabitants thereof: *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the lands laid out, as aforesaid, by the said Benjamin Waller, into lots adjoining the said city, so soon as the same shall be built upon and saved according to the condition of the deeds of conveyance, shall be added to, and made part of the said city of Williamsburg; and the freeholders and inhabitants thereof shall then be entitled thereto, and have, and enjoy all the rights, privileges, and immunities granted to, or enjoyed by, the freeholders and inhabitants of the said city; and shall be subject to the same jurisdiction, rules, and government with the other inhabitants of the said city.

## CHAP. XI.

*An Act for appointing a public Ferry, and discontinuing a former one.*

I. BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, Megginson's ferry established. and it is hereby enacted, by the authority of the same, That a public ferry be constantly kept from the north side of the Fluvanna river, to the land whereon William Megginson now dwells, and that the rates for passing the said ferry be as follow; for a man three pence, for a horse three pence, for a waggon and the driver thereof the same as for six horses, for a cart and the driver thereof the same as for four horses, for every head of nett cattle the same as for one horse, for every sheep, goat, or lamb one fifth part of the ferriage of one horse, for every hog one fourth part of the ferriage of one horse; and that the owner of the land whereon the said ferry is appointed, and the keeper of the said ferry shall be under the like regulations and restrictions, and have such exemptions and advantages as is, and are by law provided for, and in respect of the keeper of public ferries heretofore settled and appointed.

II. And be it further enacted, by the authority aforesaid, That from and after the passing of this act, the act of the General Assembly of this colony, made in the twenty second year of the reign of his present majesty, intituled, An act for the settlement and regulation of ferries, and for dispatch of public expresses, for so much thereof only as appoints a ferry from the land of James Fenley, to the land of William Cabell, across the Fluvanna, be, and is hereby repealed. Fenley's ferry discontinued.

III. Provided, That the execution of this act shall be suspended until his majesty's assent thereto shall be obtained.



*An Act for paying the Burgesses wages, for  
this present session of Assembly.*

Burgesses  
wages.

Rate of

I. WHEREAS by an act of Assembly, made in the fourth year of the reign of her late majesty queen Anne, intituled, An act for regulating the election of Burgesses, for settling their privileges, and ascertaining their allowance, it is among other things enacted, That the allowance for Burgesses attending the general Assembly should be as followeth, that is to say, For every burgess coming by land one hundred and thirty pounds of tobacco, and cask, a day, besides the necessary charge of ferriage; and for every burgess who could not come to the General Assembly otherwise than by water, one hundred and twenty pounds of tobacco, and cask, a day, to be paid them by the county, for which they serve, respectively, besides an allowance for divers days of travelling to and from the General Assembly as in the said act is particularly mentioned. And whereas by one other act of Assembly, made in the third and fourth years of the reign of his present majesty, intituled, An act for the better regulating the payment of the burgesses wages, it is among other things enacted, that when any session of Assembly should be thereafter held, and upon examination of the treasurer's accounts, it should appear that there are monies sufficient in his hands to discharge all the debts due from the public, together with the burgesses wages, and the salaries and allowances to the respective officers of the General Assembly, leaving and reserving in the hands of the said treasurer, over and above the said payments, a ballance of one thousand five hundred pounds, at the least, then every burgess, elected and serving for any county or corporation, should be paid out of the public money, the sum of ten shillings, for each day he should serve in the house of burgesses, and for the days of coming to and returning from the General Assembly, according to the first recited act, in lieu of all other demands for that service, with further allowance to the burgesses of Accomack and Northampton, and others coming to the General Assembly by water, as in the said act is particularly directed.

II. And whereas, by reason of the low circumstances of the treasury, the wages of the burgesses, for this present session of Assembly, cannot be discharged in money, according to the last mentioned act, and the same must be paid by the several counties; but for as much as the allowances according to the first mentioned act are very unequal, by reason of the various prices of tobacco in the different parts of the colony, for making the same more equal and just, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the several county courts within this colony (except the counties of Augusta, Frederick, and Hampshire) shall, at the laying of their next county levies, respectively, raise and levy so much tobacco as will be sufficient to pay the wages of their respective burgesses for this present session of Assembly, according to the directions and regulations in the said last recited act mentioned; and shall cause the tobacco, so levied, to be sold, and such wages paid out of the money arising by such sale, on or before the last day of July, which shall be in the year one thousand seven hundred and fifty seven; and that the several county courts of Augusta, Frederick, and Hampshire, shall also, at the times aforesaid levy and pay, in money, the wages of their respective burgesses for this present session of Assembly.

Payable in tobacco.

Converted into money.

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### CHAP. XIII.

*An Act for granting protection to certain persons, and for other purposes therein mentioned.*

I. WHEREAS it is absolutely necessary that the colony, at this time of extreme danger, should be vigorously defended by its inhabitants, and some truly noble spirits having associated themselves, by leave of his honor the governor, in order to curb the insolence, resent the barbarities, and oppose the violent progress

Volunteers encouraged



Their privileges.

of the enemy, and it being very consistent with the wisdom of a well governed state, that every obstacle should be removed that might either affect or impede such a laudable design: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That all and every person and persons, who shall actually go into the service and defence of the country, by virtue of the association before mentioned, or any other of the like nature, or in any other manner enter voluntarily into such service and defence, shall in their persons and estates be protected and exempted from all process and distresses of what nature or kind soever (except for treason, felony, or breach of the peace) during the time they shall be employed in the said service, and shall also be exempted from being drafted in the militia by virtue of an act passed this session of Assembly, for and during the time aforesaid, and the county-lieutenant or chief commanding officer, and all other officers of the militia of any county who shall actually go into the service and defence of their country, by virtue of the association aforesaid, or any other of the like nature, shall be, and are hereby declared to be, exempt from all the penalties and forfeitures, by the said last mentioned act inflicted on them respectively, for failing to perform the duties thereby severally required of them, in drafting the militia of their respective counties during the time they shall be employed in the said service, but the other officers of the militia who shall not enter into such association, and go into the service of their country, as aforesaid, shall nevertheless, in the absence of their respective county-lieutenants or other chief commanding officers, who shall enter into the service of their country in the manner aforesaid, proceed to the holding councils of war and drafting the militia of their respective counties according to the directions of the said act.*

Provision for signing treasury notes.

II. And whereas by several acts passed this present session of Assembly, John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of Assembly, is empowered to issue or emit treasury notes for the purposes mentioned in the said several acts, which notes are directed to be signed by the said treasurer, and Peyton Randolph, esquire, and Robert Carter Nicho-

las, gentleman, but no provision is made in either of the said acts for the signing such notes in case of the death or absence of the said signers, which, should it happen, might prevent the emitting such treasury notes and frustrate the design of the said acts: *Be it therefore enacted, by the authority aforesaid,* That in case of the death or absence of one of them, the said Peyton Randolph, or Robert Carter Nicholas, before all the said treasury notes shall be signed according to the directions of the said acts, in that case it shall and may be lawful for the said treasurer to appoint some other person to sign such notes, in the room of him so dead or absent, and in case of the death or absence of both the said signers, then the said notes shall be signed by the said treasurer, and also by John Randolph, esquire, and James Power, gentleman, and in either case such signing shall be as effectual to all intents and purposes as if such treasury notes were signed according to the directions of the said acts, any thing therein contained to the contrary notwithstanding.

III. And to the end that the credit of such notes shall not by such alteration in the name of the signer of such notes be affected; *Be it also enacted, by the authority aforesaid,* That public notice of such alteration shall be given by the treasurer in the Virginia Gazette, for and during the term of three weeks after such alteration shall take place.





ANNO REGNI

**GEORGE II,**

**Regis Magnæ Britanniae, Franciae, et  
Hiberniae, tricesimo.**

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*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the twenty-fifth day of March, in the twenty-ninth year of the reign of our sovereign Lord George II. by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1756, and continued by prorogation to Monday the twentieth of September, in the thirtieth year of his majesty's reign, and in the year of our Lord one thousand seven hundred and fifty-six; being the second session of this Assembly.*

Robert Dinwiddie, esq.  
governor.

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**CHAP. I.**

*An Act for raising recruits for his majesty's service; and for other purposes therein mentioned.*

**I. WHEREAS** his majesty hath been graciously pleased to order, that a regiment consisting of four battalions, of one thousand men each, shall be raised

Royal American regiment, com-



manded by  
earl of Lou-  
doun, appro-  
priation for.

in America, for the protection of his colonies, and called the Royal American Regiment, to be commanded by his excellency the right honorable the earl of LOUDOUN, and hath directed his governors of his several colonies to procure levies, in their respective governments, for compleating the same; and this present General Assembly, being desirous, as much as in them lies, to contribute towards raising the said regiment, are willing that it should be enacted; *And be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That so much money as shall be necessary, not exceeding eight thousand pounds, shall be paid by the treasurer of this colony, out of the public money in his hands, to the governor or commander in chief of this dominion, for the time being, to be applied towards inlisting men to serve in the Royal American Regiment, for paying the masters of such servants as shall be inlisted within this colony, according to the directions and regulations of an act of parliament passed in the twenty-ninth year of the reign of his present majesty, intituled, An act for the better recruiting his majesty's forces on the continent of America, and for the better regulation of the army, and preventing of desertion there, for transporting the men so inlisted to the city of New-York, in the province of New-York, and maintaining them till their arrival there, and accounted for to the General Assembly.

Indian fort  
to be garris-  
oned by Bri-  
tish subjects.

II. And whereas, at the request of the chiefs of the Cherokee Indians, a fort hath lately been built at Choto, in their country, at the expence of this colony, and the said chiefs are desirous the same should be garrisoned by British subjects, which may be a means of protecting them from their enemies, and of continuing them in the British interest; *Be it further enacted, by the authority aforesaid,* That the sum of two thousand pounds shall be by the said treasurer paid to the governor or commander in chief of this colony, for the time being, to be by him applied towards raising and maintaining a sufficient number of men for the garrisoning the said fort.

Indian alli-  
ance encour-  
aged.

III. And whereas it is expected that a number of the Cherokee and Catowba, or other friendly Indian warriors, will shortly arrive to our assistance, *Be it further enacted, by the authority aforesaid,* That the

said treasurer shall be, and he is hereby impowered and required to pay to such person or persons as the governor or commander in chief of this colony, for the time being, shall by his warrant or warrants direct and appoint, so much money as shall be necessary to clothe and maintain such Indians, in case they do come to the assistance of this colony; and also to purchase goods to be presented to them as a reward for their service, so as the whole sum, to be issued for that purpose, do not exceed three thousand pounds.

IV. *And be it further enacted, by the authority aforesaid,* That the treasurer of this colony shall, for the purposes aforesaid, in the first place, apply the money which shall come to his hands from the county-lieutenants or chief officers of the militia, pursuant to an act passed the first session of this present General Assembly, intituled, An act for raising the sum of twenty-five thousand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned, and if that shall not be sufficient, shall apply so much of the money directed to be issued by an act passed the same session, intituled, An act for amending the several acts for making provision against invasions and insurrections, and for amending and explaining an act passed this present session of Assembly, intituled, An act for raising the sum of twenty-five thousand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned, as shall be necessary to make good the deficiency, any thing in the said recited acts to the contrary notwithstanding.



## CHAP. II.

*An Act for appointing commissioners to take and state accounts of the Tobacco lately burnt in Crutchfield's and Pitt's warehouses; and other purposes therein mentioned.*

**I. WAEREAS** a large quantity of tobacco hath lately been consumed by fire, at the public warehouses at Crutchfield's, in the county of Hanover, and at Pitt's, on Pocamoke, in the county of Accomack, the exact quantity of which, and the names of the proprietors thereof, cannot now be ascertained; to the end therefore that it may fully appear to whom the said burnt tobacco belonged, and that a just account thereof may be stated, and the sufferers receive satisfaction for their several losses; *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That* James Power, Richard Adams, Philip Johnson, Bernard Moore, Francis West, John Baylor, and Edmund Pendleton, gentlemen, shall be, and they are hereby constituted and appointed commissioners for taking, examining, and stating the accounts, claims, and demands of the proprietors of the tobacco burnt at Crutchfield's, and in stating the said accounts the said commissioners, or any four or more of them, shall and they are hereby directed and required to distinguish in separate columns, the number of hogsheads that were inspected and passed, the number that were inspected and refused but not picked and reprized, and the number of hogsheads that had not been inspected, and also the quantity of transfer tobacco that was burnt in the said warehouses, and also an account of all tobacco that hath since the said fire been picked and saved out of the rubbish; and that George Holden, Ephraim Waggaman, Coventon Corbin, Charles Stockley, William Bevans, Daniel Gore, and Thomas Evans, gentlemen, shall be, and they are hereby constituted and appointed commissioners for taking, examining, and stating the accounts, claims, and demands of the proprietors of the tobacco burnt at Pitt's in the same manner, and that the said com-

Commissioners to state accounts of tobacco burnt, in Crutchfield's and Pitt's warehouses.

missioners, or any four or more of them, shall deliver to the clerk of the house of Burgesses the accounts by them taken, under their hands and seals before the sitting of the next session of Assembly.

II. *And be it further enacted, by the authority aforesaid,* That the said commissioners, or any four or more of them, respectively, shall, and they are hereby empowered and required to meet at such time or times, and at such places as they shall think fit, of which time and place public notice shall be advertised in the Virginia Gazette, and at each respective warehouse at least one month before such meeting, and to examine any person or persons they shall think necessary for their information in all things relating to the said accounts, and to administer an oath or affirmation as the case shall require, for the better discovering of the true quantity of the said burnt tobacco to any person or persons.

III. *And be it further enacted, by the authority aforesaid,* That every of the said commissioners hereby constituted, before he enters upon the execution of this act, shall take an oath before the courts of the counties of Hanover and Accomack respectively, the tenor whereof shall be as follows:

I A. B. do swear, that I will, according to the best of my skill and knowledge, faithfully, impartially, and truly demean myself in taking, examining, and stating the accounts, claims, and demands of the proprietors of the tobacco burnt in \_\_\_\_\_ warehouse, according to the directions of the act of Assembly, intituled, *An act for appointing commissioners to take and state accounts of the tobacco lately burnt in Crutchfield's and Pitt's warehouses; and other purposes therein mentioned.*

IV. *And be it further enacted, by the authority aforesaid,* That the commissioners hereby appointed for taking the account of the tobacco burnt in Cruthfield's warehouse shall, and they are hereby empowered to enquire by such ways and means as they shall judge necessary, by what means and in what manner the said warehouses at Crutchfield's were burnt; and they are hereby empowered to offer a reward or rewards, at their discretion, to any person or persons that will discover the author or causer of the said fire, which rewards, on a certificate under the hands of the said



commissioners, or any four of them, the treasurer of this colony is hereby impowered and required to pay to the person or persons entitled thereto, out of the public money in his hands.

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### CHAP. III.

*An Act for paying the Burgesses wages for this session of Assembly; and for other purposes therein mentioned.*

Burgesses  
wages how  
payable.

I. WHEREAS by one act of Assembly, made in the third and fourth years of the reign of his present majesty, intituled, An act for the better regulating the payment of the burgesses wages, it is among other things enacted, that when any session of Assembly should be thereafter held, and upon examination of the treasurer's accounts it should appear, that there are monies sufficient in his hands to discharge all the money debts, together with the burgesses wages and the salaries and allowances to the respective officers of the General Assembly, saving and reserving in the hands of the treasurer, over and above the said payments, a balance of one thousand five hundred pounds at the least, then every burgess, elected and serving for any county or corporation within this dominion, should be paid out of the public money, the sum of ten shillings, for each day he should serve in the house of burgesses, with such further allowances, and under such restrictions and regulations; as in the said act is at large directed.

II. And whereas by reason of the low circumstances of the treasury, the wages of the burgesses for this present session, cannot be discharged in money according to the letter of the said act, and the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the burgesses wages, for this present session of*

Assembly, shall be paid by the treasurer, on the twenty-fifth day of October next, out of the public money then in his hands, according to the directions and regulations in the said recited act mentioned, any thing in the said act to the contrary thereof in any wise notwithstanding.

III. And whereas the depredations of the French and their Indian allies, upon the frontiers of this dominion, have occasioned the greatest part of the inhabitants of the county of Hampshire to remove themselves, so that no court has been held, or is likely to be held, for the said county, by means whereof their burgesses wages cannot be paid pursuant to the directions of three acts of the General Assembly, made in the twenty-eighth and twenty-ninth years of his majesty's reign, and it is reasonable that the wages of the said burgesses should be paid; *Be it therefore enacted, by the authority aforesaid, That the burgesses wages, for the said county, for the sessions in the said acts mentioned, shall be paid by the treasurer out of the public money in his hands, any thing in the said acts to the contrary thereof in any wise notwithstanding.*

IV. And whereas the day appointed for holding the court for the county of Sussex, is found to be very inconvenient to the inhabitants of the said county, for rendering the same more convenient, *Be it enacted, by the authority aforesaid, That from and after the first day of December next, the court of the said county of Sussex be constantly held on the third Friday in every month, any law, usage, or custom to the contrary notwithstanding.* Sussex court day altered.





ANNO REGNI

## GEORGI II,

Regis Magnæ Britanniae, Franciae, et  
Hiberniae, tricesimo.

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*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the twenty-fifth day of March, in the twenty-ninth year of the reign of our sovereign Lord George II. by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1756, and from thence continued by several prorogations to Thursday the fourteenth of April, in the thirtieth year of his majesty's reign, and in the year of our Lord one thousand seven hundred and fifty-seven; being the third session of this Assembly.*

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Robert Dinwiddie, esq.  
governor.

### CHAP. I.

*An Act for granting an aid to his majesty for the better protection of this colony, and for other purposes therein mentioned.*

I. WHEREAS it is necessary, in this time of danger, that the forces now in the pay of this colony should be augmented, Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the author-  
Method of drafting.



*ity of the same.* That the forces now in this colony shall be augmented to one thousand two hundred and seventy, including non-commissioned officers: And for the more speedy raising the men that shall be wanted to complete that number, the sheriff of every county within this colony, and the serjeants of the city of Williamsburg and borough of Norfolk, shall cause to be summoned the several justices, and field officers, and captains of their respective counties, city and borough, to meet at the court-houses of the said counties, city and borough, respectively, within fifteen days after the passing of this act; which said justices, field-officers, and captains, or any number of them not less than seven, shall then and there hold a court, and examine and enquire into the occupation and employment of the several inhabitants of the said counties, city and borough, between the age of eighteen and fifty years, which examination shall be taken by the several muster-rolls (which the county-lieutenant or chief commanding officer is hereby required to lay before such court) and by such other methods of enquiry as to the said court shall seem expedient: And the said courts are hereby empowered and required to prick down all such able-bodied persons, within their respective jurisdictions, as shall be found loitering and neglecting to labor for reasonable wages; all who run from their habitations, leaving wives or children without suitable means for their subsistence, and all other idle, vagrant, or dissolute persons, wandering abroad without betaking themselves to some lawful employment; and all such who, in pursuance of the act of Assembly, made in the twenty-ninth year of his present majesty's reign, intituled, An act for raising the sum of twenty-five thousand pounds for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned, did receive the reward of ten pounds to enter into his majesty's service, and deserted the same before the expiration of the time directed by the said act. And in case a sufficient number of such persons, as are before described, cannot be found in any county, city or borough, to make up their respective quotas, according to the directions of this act, then the said courts are hereby empowered to prick down such able-bodied men, not being freeholders or house-keepers qualified to vote at an election of burgesses, as they shall think proper to

make up the same. And such courts, to be held as aforesaid, are hereby impowered and required to order the sheriffs of the said counties, and serjeants of the said city and borough, respectively, and such officers of the militia, not being members of the said courts, as they shall think proper, to bring before them the several persons so pricked down as aforesaid, at a succeeding court to be held as aforesaid, within ten days of the former; and such court shall then proceed to draft out such, and so many of them, as shall be deemed proper for the service aforesaid, in the following proportion, that is to say, one man for every forty effective soldiers in the militia of each county, city and borough. And where it shall so happen that the militia of any county, city or borough shall amount to any number, so as to leave or afford twenty men over and above the forties for which one man is to be drafted, then such court shall draft one more for the said twenty men as aforesaid.

II. *And be it further enacted, by the authority aforesaid,* That the several courts, to be held as aforesaid, before they proceed to prick down and draft the soldiers, as is before directed, shall take the following oath, which shall be first administred to the first justice in the commission of the peace, present at such court, by any two of the members then present, and then by the said justice to the other members of the court, that is to say: The oath to be taken by the court.

You shall swear that you will do equal right and justice to all men, according to the act of Assembly, intituled, An act for granting an aid to his majesty for the better protection of this colony, and for other purposes therein mentioned, without favor, affection, or partiality, so help you God.

III. *And it is hereby further enacted,* That every such court shall appoint some person to act as clerk, who shall enter the proceedings of such court, and shall transmit the same to the clerk of the county, city or borough, to be by him recorded. And every justice, militia officer, sheriff, or serjeant that shall neglect or fail to do the duty by this act required of them respectively, shall forfeit and pay for every such failure or neglect the sum of twenty pounds, one moiety to our sovereign lord the king for the public use, and to be paid to John Robinson, esquire, treasurer of this colony, or to the treasurer for the time being, appointed Court to appoint a clerk:  
  
Penalty on court, &c.



by or pursuant to an act of Assembly, and disposed of as the General Assembly shall direct, and the other moiety to the informer, and shall and may be recovered with costs, by action of debt or information, in any court of record within this colony.

The reward to those who voluntarily inlist.

IV. And for the encouragement of persons who may be inclined to inlist voluntarily into the said service, *Be it further enacted, by the authority aforesaid,* That every able-bodied person, willing to inlist into such service, that shall appear before either of the said courts, hereby appointed to be held as aforesaid, and there inlist himself as a soldier, provided the same be done before the drafting as aforesaid shall be completed, shall be entitled to five pounds: And if any person present shall be willing to, and shall advance the said reward to the person so inlisting, the person paying the same shall, upon producing a receipt, be repaid the money so advanced, by the treasurer, out of the money herein after appropriated for raising and maintaining the forces hereby intended to be raised; and if no person present will advance the said reward, then the person so inlisting shall be paid the same within three days after his arrival at the place of general rendezvous, by the commanding officer of the forces in the service of this colony. And the court before whom such person shall inlist shall order the clerk to give such person a certificate of his inlisting, to entitle him to the reward aforesaid: And every person so inlisting shall be deemed and taken as one of the number herein before directed to be drafted for each county, city or borough.

Reward to those who are drafted.

V. And for the encouragement of persons, so as aforesaid pricked down, to appear at the second court to be held as aforesaid. *Be it further enacted,* That every person so pricked down, who shall appear at such second court, and be drafted into the service, shall be entitled to the sum of three pounds, to be paid in manner aforesaid.

Where the party is pricked down at the first court.

VI. *And be it further enacted, by the authority aforesaid,* That every person pricked down as aforesaid shall give to the sheriff, serjeant, or militia officer, appointed to bring such person before the succeeding court, sufficient security in the sum of fifty pounds for his appearance at such court, and in default thereof it shall and may be lawful for such sheriff, serjeant, or militia officer, to commit such person to the goal of the

county, city or borough, there to remain, until the said succeeding court: And if any such person shall resist such sheriff, serjeant, or officer, it shall and may be lawful for him immediately to raise any number of men sufficient to apprehend such person. And every person refusing to obey such sheriff, serjeant, or officer, for the purpose aforesaid, shall, upon conviction thereof, before the next court to be held for such county, city or borough (without the formality of a jury) be fined the sum of five pounds. And if any person pricked down as aforesaid, shall, in resisting the officer appointed to apprehend him, use any fire-arms, sword, or other unlawful weapon, such person, and their aiders and abettors, shall, upon conviction thereof, before the general court of this colony, suffer death as in cases of felony, without benefit of clergy. And every person or persons apprehending such offender shall, upon his conviction, be entitled to the reward of ten pounds, to be paid by the public, for every such offender. And if any person or persons shall harbour or conceal any of the persons pricked down as aforesaid, every such offender shall forfeit and pay the sum of five pounds to the use of the informer, and to be recovered as aforesaid.

Penalty on persons refusing to assist the officer.

Penalty resisting the officer.

Reward for apprehending.

Penalty harbouring persons pricked down.

VII. *And be it further enacted, by the authority aforesaid,* That the court, at the said succeeding court, shall order the men so inlisting or drafted as aforesaid, to be delivered to the county-lieutenant or chief commanding officer of every county, city, or borough, present at such court, who is hereby required to receive them, and to order any captain of his militia to take with him so many soldiers of the said militia as such commanding officer shall think proper, and convey and deliver the persons inlisted or drafted as aforesaid to the officer or officers appointed by the governor or commander in chief of this colony for the time being to receive them: And such captain shall be allowed all necessary expences for victualling and lodging himself, the soldiers attending him, and the persons inlisted or drafted as aforesaid, so as the same shall not exceed fifteen pence per day for every man during such march; and such captain and the soldiers attending him shall moreover be entitled to the same pay as if drawn into actual service upon an invasion or insurrection. And if any such county-lieutenant or chief

Method of conveying the men drafted to the officers appointed to receive them.



commanding officer of the militia shall refuse to receive the persons inlisted or drafted as aforesaid, or neglect or refuse to order a captain to convey and deliver them as aforesaid, such county-lieutenant or chief commanding officer shall forfeit and pay the sum of fifty pounds: And if any captain, or any of the men appointed to attend him as aforesaid, shall refuse to obey the orders of his or their county-lieutenant or chief commanding officer, for the conveyance and delivery of the said persons inlisted or drafted, every captain so offending shall forfeit and pay the sum of fifty pounds, and every soldier failing to attend shall forfeit and pay the sum of ten pounds, which several fines shall be one half to our sovereign lord the king for the public use, and to be paid and disposed of as aforesaid, and the other moiety to the informer, to be recovered with costs, by action of debt or information, in any court of record where the same shall be cognizable.

Where those  
pricked  
down at the  
first court  
fail to appear  
at the second.

VIII. *And be it further enacted, by the authority aforesaid,* That if notwithstanding the encouragement given, and the methods herein before prescribed, for the bringing the persons pricked down at the first court to the second court, it shall so happen that all the persons so pricked down shall not appear at such second court, in order to their being drafted, the said court shall proceed to draft out of those that shall appear. And every person, not appearing as aforesaid, shall be deemed a deserter from his majesty's service, and be punished accordingly.

Where the  
number of  
men pricked  
down fall  
short:

IX. *And be it further enacted,* That if the method prescribed by this act shall be found ineffectual for raising the number of men hereby intended to be raised, it shall and may be lawful to and for the officers appointed for that purpose by the governor or commander in chief to inlist so many men, willing to enter into the said service, as shall be sufficient to compleat that number; and every person so inlisting shall receive from the officer inlisting him the sum of five pounds; and every such officer shall be allowed, over and above such rewards paid by him, all his necessary expences in the inlisting such persons and conveying them to the place of general rendezvous.

How the  
men are to  
be formed.

X. *And be it further enacted, by the authority aforesaid,* That the said one thousand two hundred and seventy-two men shall be formed into twelve companies,

under the command of a colonel, lieutenant-colonel, major, nine captains, twenty-four lieutenants, and twelve ensigns; and there shall be allowed to the said forces a chaplain, a paymaster, three surgeons and one surgeon's mate, an adjutant, and a quarter-master.

XI. *And be it further enacted*, That two of the said companies of the men now in the pay of this colony, with one of the surgeons shall be sent to the assistance of South-Carolina; and one other company of the men so to be raised, with one other of the said surgeons, to garison the fort lately built at the expence of this colony in the Cherokee country, and seven companies shall be and remain for the defence and protection of this colony, and two other companies, to consist of the men that shall be raised by virtue of this act after the other ten companies shall be completed, shall also be sent to the assistance of South-Carolina, if it shall be thought necessary by the commanding officer of his majesty's forces in North-America.

The forces  
how to be  
disposed.

XII. *And be it further enacted, by the authority aforesaid*, That so much money as shall be necessary for defraying the charge of raising, maintaining, paying, clothing, and other expences of the said officers and men, shall be paid by the treasurer of this colony for the time being, appointed as aforesaid, out of the public money that shall come to his hands by virtue of this act, to such person or persons as shall be directed by warrant under the hand of the governor or commander in chief of this colony for the time being, so that the sums so to be paid do not exceed in the whole the sum of thirty-six thousand pounds, to be accounted for to the General Assembly.

XIII. And whereas it will be very troublesome to the governor, or commander in chief, to examine and settle the accounts of the several charges and expences of the said officers and men, *Be it therefore enacted, by the authority aforesaid*, That William Prentis, James Cocke and Thomas Everard, gentlemen, shall be, and they are hereby appointed commissioners to examine, state and settle such accounts relating to the expences of the said officers and men, as shall from time to time be referred to them by the governor or commander in chief for the time being; and each of the said commissioners shall be allowed for their trouble therein the sum of seventy-five pounds.

Commission-  
ers appoint-  
ed.



Three companies of rangers to be raised for the protection of the south-western frontiers.

XIV. *And be it further enacted, by the authority aforesaid,* That the said treasurer shall, out of the money to be raised by virtue of this act, pay to the honorable Robert Dinwiddie, esquire, lieutenant-governor and commander in chief of this dominion, or to the commander in chief for the time being, a sum of money not exceeding six thousand pounds, to be laid out for, and in the raising and maintaining, three companies consisting of one hundred men each, with their officers, to be employed as rangers for the protection of the subjects on the south-western frontiers of this colony, as the governor or commander in chief shall direct from time to time, and shall not be sent out of this colony, or incorporated with the soldiers now in his majesty's service; and the money so received shall be accounted for to the General Assembly.

XV. And whereas there are large arrears due to the present officers and soldiers now in the pay of this colony, to the rangers formerly employed, and for the expences of building a fort in the Cherokee country, and to the militia that have been drawn out into actual service, and also for provisions for the said soldiers, rangers and militia, *Be it further enacted, by the authority aforesaid,* That so much money as shall be necessary to discharge the same, not exceeding twenty-five thousand pounds, shall be by the said treasurer paid to such person or persons as shall be from time to time directed by John Robinson, Peyton Randolph and Charles Carter, esquires, Benjamin Waller, John Chiswell, Richard Bland, James Power, William Digges, Dudley Digges, John Page, John Norton, William Harwood, George Wythe, Landon Carter, Edmund Pendleton, and Robert Carter Nicholas, gentlemen, or any five of them, with the consent and approbation of the governor or commander in chief of this dominion, for the time being.

XVI. And whereas several Indians have already come to the assistance of this colony, and more may come, *Be it further enacted, by the authority aforesaid,* That for defraying the charges of such Indians there shall be paid by the said treasurer, out of the money that shall come to his hands by virtue of this act, to such person or persons as shall be directed by warrant under the hand of the governor or commander in chief of this dominion for the time being, a sum not exceeding three thousand pounds.

Committee.

A sum given for defraying the charges of the Indians.

XVII. And for the raising the several sums of money hereby given and granted, *Be it enacted, by the authority aforesaid*, That a duty of two shillings for every hogshead of tobacco passed and delivered out at and from the several warehouses in this colony, between the twentieth day of October next, and the twentieth day of October in the year one thousand seven hundred and sixty-four, shall be paid by the owner or proprietor thereof, which said duty the several inspectors at the said warehouses shall, and they are hereby empowered and required, to collect and receive, without fee or reward, of and from the said owners and proprietors before they deliver such tobacco out of their respective warehouses, and shall be by them accounted for upon oath, and paid to John Robinson, esquire, treasurer of this colony, or to the treasurer for the time being, appointed by or pursuant to an act of Assembly, and shall be accounted for by the said treasurer to the General Assembly, after deducting two per centum for his salary in receiving and paying the same.

Duty on tobacco.

XVII. *And be it further enacted, by the authority aforesaid*, That a tax or duty of two shillings shall be paid for every tithable person in this colony to the sheriff of the county where such person shall be inlisted by the person inlisting such tithable, on or before the tenth day of April one thousand seven hundred and sixty-one, and the further tax or duty of two shillings for every such tithable person shall be paid in like manner on or before the tenth day of April one thousand seven hundred and sixty-two, and that a further tax or duty of two shillings for every such tithable person shall be paid in like manner on or before the tenth day of April one thousand seven hundred and sixty-three, and that a further tax or duty of two shillings for every such tithable person shall be paid in like manner on or before the tenth day of April one thousand seven hundred and sixty-four, which taxes shall be collected by the sheriffs according to the lists of tithables taken and subsisting at the time of payment in each year; and where the sheriff shall discover any tithables not inlisted, such sheriff is hereby empowered and required to collect and levy the said taxes respectively upon the person so discovered, and shall account for and pay the same in like manner as if such tithable had been inlisted; and that a tax of one shil-

Tax on tithables.

Tax on land.



ling for every hundred acres of land, and after that rate for a greater or lesser quantity, shall be paid by the owner or proprietor thereof on or before the said tenth day of April in each of the said years, one thousand seven hundred and sixty-one and the three next following, to the sheriff of the county wherein such land shall lie, and to be collected by and according to the rent-rolls delivered to the sheriffs respectively for the collection of his majesty's quit-rents in each of the said years.

How the  
land tax to  
be collected  
in the nor-  
thern-neck.

XVIII. And for enabling the sheriffs to collect the said land-tax from the proprietors of lands within the territory of the right honorable Thomas, lord Fairfax, *Be it further enacted*, That every such proprietor shall, on or before the first day of January immediately preceding the time of payment in each of the said years, deliver to the clerk of the county where he or she shall reside, or the lands lie, a just and true account of the quantity of land by him or her held within the said territory, according to the quantity for which they have usually held the same; and every person failing so to do, shall forfeit and pay the sum of ten pounds for every such failure, to our sovereign lord the king, to the same use as the taxes hereby laid are appropriated, and to be recovered with costs in any court of record within this dominion. And such clerk shall, within three months thereafter, transmit a true copy of such lists to the treasurer of this colony for the time being, and shall also deliver another copy of such lists to the sheriff of the county, or other person appointed to collect the said land-tax, within one month after he shall receive the same, who is hereby required to collect the said land-tax, from the said proprietors, according to the accounts so delivered respectively. And every clerk failing to do his duty herein, shall, for every failure, forfeit and pay the sum of five hundred pounds, one half to our lord the king, for the public use, to be paid and disposed of as before directed, and the other moiety to the informer, to be recovered as before directed. And where the sheriff or collector shall discover that any persons hold lands within his county, of which no account is rendered as aforesaid, such sheriff or collector is hereby required to collect and levy the said tax, and account for and pay the same in the same manner as if an account of the said land had been rendered as aforesaid.

And in case of failure in the payment of the said land-tax or poll-tax, at the times herein before limited for the payment thereof respectively, it shall and may be lawful for the sheriff or collector of each county to levy the same by distress and sale of the slaves, goods, and chattels of the person so failing, in like manner as is provided in case of other distresses: And where there are no effects to be found upon the lands hereby chargeable with the said land-tax, it shall be lawful for the sheriff of the county where such lands lie, or the sheriff of the county where the proprietor of the land lives, to levy the said tax upon the estate of such proprietor wherever the same can be found.

XIX. *And be it further enacted*, That the several sums of money to be collected in pursuance of this act, for the said land-tax and poll-tax, shall be by the sheriffs, respectively accounted for, upon oath, and paid to John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of Assembly, on or before the tenth day of June next following the time herein before limited for the payment of the said taxes in each year, after deducting five per centum for each sheriff's salary in collecting the same, to be accounted for by the said treasurer to the General Assembly, after deducting two per centum for his salary in receiving and paying the same

Taxes to be  
paid to the  
treasurer.

XX. *And be it further enacted, by the authority aforesaid*, That the sheriff of every county shall, on or before the first day of December, one thousand seven hundred and sixty, give bond and security before the court of the county whereof he is sheriff, for the due collection and payment of the said taxes so to be collected by him the year ensuing; and every sheriff shall, in like manner, on or before the said first day of December, in each of the three following years, give bond and security for the collection and payment of the taxes by this act required to be collected and paid in the year next following the time of giving such bonds, respectively; and if any sheriff shall die or be removed from his office after having given such bond, and before the collection is made for which such bond is given, the succeeding sheriff shall, in like manner, give bond and security at the time he shall be sworn into his office, and shall collect, levy and account for so much of the said taxes as shall remain unpaid to the

Sheriffs to  
give bond.



sheriff so dying or being removed. And if any sheriff shall fail or refuse to give security for collecting the taxes imposed by this or any former act of Assembly, according to the directions of such act, every such sheriff shall forfeit and pay the sum of one hundred pounds, and the justices of the court where such neglect or refusal shall happen, shall, and they are hereby required to order the person appointed to prosecute for the king in such court, to exhibit an information in the name of our sovereign lord the king against such sheriff for the recovery of the same, which, when recovered, shall be paid to the treasurer aforesaid, and applied to the same uses as the taxes hereby imposed are directed to be applied.

Proviso  
where sher-  
iffs cannot  
procure se-  
curity.

XXI. *Provided always*, That if such sheriff shall, in open court, on his corporeal oath, depose that he hath used his best endeavours to procure such security and cannot get the same, then he shall not be liable to such penalty: And upon such refusal or failure the county court is hereby impowered and required to appoint some other person to collect the taxes by this act directed to be levied by such sheriff, and the person so appointed shall give bond and security, in like manner, and shall have power and authority, and is hereby required to collect, levy, and account for the said taxes in the same manner as is directed in the case of the sheriff; and if no other person will undertake such collection, such court shall certify the refusal or inability of the sheriff to the governor or commander in chief for the time being, who, upon such certificate being produced to him, is hereby impowered and desired to appoint some other fit and able person to be sheriff of such county in the room of the sheriff so refusing or disabled, as aforesaid, which person, so appointed, shall, at the next court to be held for his county, after the date of his commission, give bond and security for the due collection and payment of the taxes laid by this and former acts, and shall account for and pay the same in like manner as is directed in this or such former acts, respectively, and shall be subject to the same penalty for refusing or neglecting to give security, recoverable in the same manner as is herein before directed: And if any sheriff or collector shall refuse or neglect to account for and pay the said taxes, according to the directions of this act, after deducting the several sums chargeable to persons who have no visible

estate in his county, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff or collector, upon a motion to them made by the treasurer, to give judgment against such sheriff or collector and his security, his or their executors or administrators, for all the money wherewith he shall be chargeable by virtue of this act, and thereon to award execution, provided that such sheriff or collector, and their securities, have ten days previous notice of such motion.

XXII. *And be it further enacted, by the authority aforesaid,* That from and after the ninth day of July, one thousand seven hundred and fifty-eight, during the term of seven years, there shall be paid for all slaves imported into this colony, for sale, either by land or water, from any port or place whatsoever, by the buyer or purchaser thereof, after the rate of ten per centum on the amount of each respective purchase, over and above the several duties already laid upon slaves imported, as aforesaid, by any act or acts of Assembly now subsisting in this colony, which said additional duty shall be paid, collected and accounted for in such manner and form, and according to such rules, and under such penalties and forfeitures as are mentioned, prescribed, and appointed for the paying, collecting, and accounting for the duties already imposed upon slaves imported by the several acts of Assembly now in force.

An additional duty on slaves imported.

XXIII. And whereas by reason of the great scarcity of gold and silver in this colony, the taxes imposed by this act cannot be collected in time to answer the purposes hereby intended, *Be it enacted, by the authority aforesaid.* That it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury notes to answer the demands that shall be made upon him for the purposes aforesaid, so as the whole sum of such notes so to be issued shall not exceed the sum of eighty thousand pounds.

Treasury notes to be emitted.

XXIV. And whereas the allowing treasury notes to bear interest is found to be very burthensome to the country, and not to have answered the good purposes intended by former acts of Assembly, and it will be prejudicial to have notes of different value circulating at the same time: *Be it therefore enacted, by the autho*

Old notes to be called in.



*ity aforesaid*, That the treasurer of this colony for the time being, appointed as aforesaid, shall, as soon as the same can be conveniently done, after the first day of December next ensuing, take in all such treasury notes as have been emitted pursuant to an act of Assembly made in the twenty-ninth year of his present majesty's reign, intituled, An act for raising the sum of forty thousand pounds for the protection of his majesty's subjects on the frontiers of this colony: Also one other act passed at the first session of this present General Assembly, intituled, An act for raising the sum of twenty-five thousand pounds for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned: And one other act passed at the last mentioned session, intituled, An act for amending the several acts for making provision against invasions and insurrections, and for amending and explaining an act passed this present session of Assembly, intituled, An act for raising the sum of twenty-five thousand pounds for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned: And the said treasurer shall pay unto the proprietor or proprietors of such treasury notes, respectively, the sum for which the same were issued, with interest thereon after the rate of five per centum per annum, from the date thereof to the said first day of December next ensuing.

The form,  
denomina-  
tion, and  
signers, of  
the notes.

*XXV. And be it further enacted*, That it shall and may be lawful for the said treasurer or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury notes to answer the demands that shall be made upon him for the former notes so to be taken in, which several notes to be issued in pursuance of this act shall be prepared, printed and engraved, in such form and after such method as the said treasurer shall judge will be most safe from counterfeits and forgeries. And six thousand of the said notes shall be of the value or denomination of ten pounds, and shall be signed by Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman: Six thousand of the said notes of the value or denomination of five pounds, and shall be signed by the said Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman: Six thousand of the said notes of the value or denomination of three pounds, and shall be signed by the said Peyton Ran-

dolph, esquire, and Robert Carter Nicholas, gentleman: Six thousand of the said notes of the value or denomination of two pounds, and shall be signed by the said Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman: Thirty thousand of the said notes of the value or denomination of twenty shillings, and shall be signed by Benjamin Waller and Philip Johnson, gentlemen: Thirty thousand of the said notes of the value or denomination of ten shillings, and shall be signed by the said Benjamin Waller and Philip Johnson. Thirty thousand of the said notes of the value or denomination of five shillings, and shall be signed by John Randolph, esquire: Thirty thousand of the said notes of the value or denomination of two shillings and six-pence, and shall be signed by the said John Randolph, esquire. Thirty-three thousand of the said notes of the value or denomination of one shilling and three pence, and shall be signed by Edmund Pendleton, gentleman: Thirty three thousand of the said notes of the value or denomination of one shilling, and shall be signed by the said Edmund Pendleton, gentleman.

XXVI. *And be it further enacted, by the authority aforesaid,* That in case of the death or absence of any of them the said Peyton Randolph, Robert Carter Nicholas, Benjamin Waller, Philip Johnson, John Randolph, or Edmund Pendleton, before all the treasury notes shall be signed which are herein required to be signed by such person, in that case it shall and may be lawful for the said John Robinson or the treasurer for the time being, appointed as aforesaid, to appoint some other person to sign such notes in the room of him so dead or absent, which signing shall be as effectual to all intents and purposes as if such notes were signed by the persons herein named, and public notice of such alteration shall be given by the treasurer in the Virginia Gazette for three weeks after such alteration shall take place.

Where any of the signers die or are absent.

XXVII. *And be it further enacted,* That John Palmer, William Waters, and George Davenport, gentlemen, shall, and they are hereby appointed to overlook the press during the time of printing the notes to be issued pursuant to this act, who shall use the best of their care, attention, and diligence that the number and amount of the said notes, according to their respective denominations aforesaid, be not exceeded, nor

Persons appointed to number the notes, and overlook the press.



Their allow-  
ance.

any fraudulent practice used by the printer, his servants, or any person concerned therein, and shall number and deliver such notes, when printed, to the persons appointed to sign the same respectively, taking his or their receipt for the same, from time to time; and that each of them shall have for their trouble therein the sum of fifty pounds, to be paid them by the treasurer for the time being: And the persons so appointed to sign the said notes shall deliver them, when signed, to the treasurer for the time being, appointed as sforesaid, and take his receipt for the same; and each signer shall receive of the said treasurer twenty shillings for every thousand of the said notes by them respectively signed and delivered as aforesaid; and the said treasurer shall be allowed one per centum upon all the said notes by him paid away, as his salary for paying the same, and taking in the old notes as aforesaid.

The old  
notes to  
cease being  
current after  
the first of  
December  
next.

XXVIII. *And be it further enacted, by the authority aforesaid,* That all the treasury notes which have been emitted pursuant to the herein before recited acts of Assembly shall, from and after the said first day of December next, cease to be current in this colony, and shall from thenceforth become null, void and of no effect. And that Peyton Randolph, esquire, Benjamin Waller, Robert Carter Nicholas, Dudley Digges, and Philip Johnson, gentlemen, or any three of them be, and they are hereby appointed a committee to examine all such old notes as shall be taken in by the said treasurer pursuant to this act, who having duly examined the same shall cause them to be burnt and destroyed in their presence, and shall give the treasurer a certificate of the whole amount of such notes, with the interest thereon, which certificate shall be to all intents and purposes as good and effectual in the settlement of his accounts, as if he produced such notes: And the said committee, shall in like manner, from time to time, examine all such notes to be issued in pursuance of this act, as the treasurer for the time being shall be willing to deliver up, and upon receipt thereof to give him a certificate for the amount of such notes, which shall avail the said treasurer in the settlement of his accounts as effectually as if he produced notes for the same; and the said committee are hereby required, as soon as they have given such certificate, to cause such notes to be burnt and destroyed.

**XXIX.** *And be it further enacted,* That all notes so to be issued in pursuance of this act shall be redeemable on the first day of March, one thousand seven hundred and sixty five, and shall then be paid by the treasurer for the time being. And further, that all such notes shall be received and pass as a lawful tender in payment of any debt, duty, or demand whatsoever (except for the payment of his majesty's quit-rents) from the time of issuing such notes until the time before specified for the redemption thereof at the treasury, as aforesaid. And if any person or persons, within this colony, shall, during the time the said treasury notes are to remain current, as aforesaid, offer to sell or expose to sale any goods or chattels, lands or tenements whatsoever, and shall deny or refuse to sell the same, or demand a greater price unless he be paid for the same in gold or silver coin, and not in the said notes; or if any person or persons shall exchange gold or silver coin for the said bills, and demand or take any allowance for the difference of the value thereof, or shall offer to buy or sell bills of exchange at a greater or higher difference of exchange for the said treasury bills than for gold or silver coin, or shall use any other device, means, or method whatsoever, whereby the credit of the said notes may be impaired, every person so offending shall forfeit and pay after the rate of twenty per centum upon the value of the goods or chattels, lands or tenements, so offered or exposed to sale, or of the money so exchanged, or of the bills of exchange, so bought or sold, to be recovered by the informer, to his own use, before any justice of the peace, where the penalty does not amount to more than twenty-five shillings, and where it shall exceed that sum the said penalty shall be one half to our lord the king, for the public use, and to be paid to the treasurer aforesaid, or the treasurer for the time being, appointed as aforesaid, and disposed of as the General Assembly shall direct, and the other half to the informer, and shall and may be recovered, with costs, by action of debt or information, in any court of record within this colony.

The time of redemption of the new notes, and their credit.

Penalty for depreciating notes.

**XXX.** *And be it further enacted, by the authority aforesaid,* That if any person or persons shall forge or counterfeit, alter or erase any such treasury note, or shall tender in payment, by way of barter or otherwise, to any person whatsoever, or shall demand a re-

Death to counterfeit, &c. them



demption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

The security  
for their re-  
demption.

XXXI. *And be it further enacted*, That the money to be raised by the duties and taxes, imposed by this act and the herein before recited acts, shall stand, be, and remain as a security for the redemption of the said treasury notes so to be issued; and the said John Robinson, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands by virtue of this and the said recited acts, for, and towards the redemption of the said treasury notes, and to no other use, intent, or purpose whatsoever.

Method of  
collecting  
the land-tax  
in the Nor-  
thern neck.

XXXII. And whereas the method of collecting the land-tax, imposed by the said recited acts, from the proprietors of land within the territory of lord Fairfax, hath been found ineffectual, *Be it further enacted*, That so much of the said recited acts as directs the said proprietors to render an account of the quantity of lands by them respectively held to the sheriff of their county annually, be, and the same is hereby repealed: And that for the future every such proprietor shall, at the times, and under the penalty by the said acts respectively appointed for that purpose, deliver such account of the quantity of land by him held, according to the quantity for which he has annually held the same, to the clerk of his county court who shall transmit a copy thereof to the treasurer, and deliver another copy to the sheriff or collector, in manner, and under the penalty herein before directed for the collection of the land-tax hereby imposed; and the sheriff or collector shall collect, levy, and account for the said taxes according to the accounts so delivered to him, and the directions and regulations in the said recited acts mentioned; and where the sheriff or collector shall discover that any person holds lands within the said territory of which no account is rendered, as aforesaid, such sheriff or collector is hereby required to collect and levy the land-tax, imposed by the said former acts, from such proprietor, and account for and pay the same in the same manner as if an account of the said land had been rendered, as aforesaid.

XXXIII. *And be it further enacted, by the authority* Treasurer to  
*aforesaid, That John Robinson, esquire, treasurer of* give further  
 this colony, shall give such further security as shall security.  
 be approved by the governor or commander in chief of  
 this colony, in the sum of eighty thousand pounds, for  
 the due answering and paying all the money by him  
 received, from time to time, and for the due and faith-  
 ful performance of his said office; and in case of his  
 death, resignation; or disability, the treasurer to be  
 appointed in his stead, shall, in like manner, give such  
 further security before he enters into his said office.

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## CHAP. II.

### *An Act for preventing Mutiny and Deser- tion.*

I. WHEREAS it is judged necessary in this time Preamble.  
 of open war, that a number of forces should be raised  
 and kept on foot, for vindicating the honor of his ma-  
 jesty's crown, and for the safety and defence of this  
 dominion, amounting to fifteen hundred and seventy  
 two men, including three companies of rangers, to  
 consist of one hundred men each. And whereas no  
 man can be forejudged of life, or limb, or subject to  
 any kind of punishment by martial law, or in any  
 other manner, than by the judgment of his peers, and  
 according to the known and established laws of this  
 colony: Yet nevertheless it being requisite for the  
 retaining such forces in their duty, that an exact dis-  
 cipline be observed, and that the soldiers who shall  
 mutiny or stir up sedition, or shall desert his majes-  
 ty's service be brought to a more exemplary and speed-  
 y punishment, than the usual forms of the law will  
 allow.

II. *Be it therefore enacted, by the Lieutenant-Gover-  
 nor, Council, and Burgesses, of this present General As-* The punish-  
*sembly, and it is hereby enacted by the authority of the* ment.  
 same, That from and after the passing of this act, if  
 any person being mustered, or in pay as an officer, or  
 who is or shall be inlisted or in pay as a soldier or



ranger, by virtue of any act of Assembly, or shall during the continuance of this act voluntarily enter himself into his majesty's service as a soldier or ranger, shall at any time during such continuance of this act within this dominion, begin, excite, cause, or join in any mutiny or sedition in the company or regiment whereto he doth belong, or in any other company, or desert his majesty's service, or being a soldier or ranger actually inlisted in any company, shall inlist himself in any other company, without a discharge produced in writing from the colonel, or in his absence the chief officer commanding the regiment or company in which he last served as an inlisted soldier or ranger; or if any officer, soldier or ranger, so inlisted as aforesaid, shall hold correspondence with any of his majesty's enemies, or give them advice or intelligence either by letters, messages, signs, or tokens, or any manner of way whatsoever, or shall treat with such enemies, or enter into any condition with them, without the licence of his majesty's lieutenant-governor, or commander in chief of this dominion, or the colonel or chief officer commanding such regiment; or shall strike or use any violence against his superior officer, being in the execution of his office, or shall refuse to obey any lawful command of his superior officer, all and every person and persons so offending, in any of the matters before mentioned, shall suffer death, or such other punishment, as by a court martial shall be inflicted.

The court-martial.

III. *And be it further enacted, by the authority aforesaid,* That the governor or commander in chief of this dominion, may from time to time grant a commission under the seal of this colony to any officer of such regiment, not under the degree of a field officer, for holding a general court martial within this dominion, for the trial of any officer or soldier belonging to the Virginia regiment, in which court martial all the offences above mentioned, and all other offences herein after specified shall be tried and proceeded against in such manner, as by this act shall be hereafter directed.

They may inflict corporal punishment.

IV. *And be it also further enacted,* That it shall and may be lawful to and for such court martial, by their sentence or judgment to inflict corporal punishment, not extending to life or limb, on any soldier for immoralities, misbehaviour, or neglect of duty.

**V. And it is hereby further enacted and declared, That** Not to consist of less than nine.  
 no general court martial which shall have power to sit by virtue of this act, shall consist of a less number than nine, whereof none to be under the degree of a commission officer, and that such court martial shall have power and authority, and are hereby required to administer an oath to every witness in order to the examination or trial of any of the offences that shall come before them.

**VI. Provided always, That** in all trials of offenders by general courts martial to be held by virtue of this act, every officer present at such trial before any proceedings be had thereupon, shall take the following oaths upon the holy evangelists, which shall be first administered to the presiding officer by the rest of the members present at such courts martial, and then by the presiding officer to them, that is to say.

You shall well and truly try and determine according to your evidence in the matter now before you, between our sovereign lord the king's majesty, and the prisoner to be tried. The oath to be taken by such court.

*So help you God.*

**I A. B. do swear, that I will duly administer justice, according to the rules and articles for the better government of his majesty's forces, and according to an act of Assembly, intituled, An act for preventing mutiny and desertion, without partiality, favor, or affection; and if any doubt shall arise which is not explained by the said articles or act of Assembly, according to my conscience, the best of my understanding, and the custom of war in the like cases. And I further swear, that I will not divulge the sentence of the court, until it shall be approved by the governor or commander in chief for the time being, neither will I upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness by a court of justice in a due course of law.**

*So help me God.*

**And that such court martial shall have power to appoint a clerk to keep a register of their proceedings, to whom the president of the court shall administer the following oath, to wit,** To appoint a clerk.



His oath.

You shall swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness by a court of justice in a due course of law.

And no sentence of death shall be given against any offender in such case by any general court martial, unless six officers present shall concur therein. And if there be more officers present than nine, then the judgment shall pass by the concurrence of two-thirds of the officers present, and no proceeding or trial shall be had upon any offence but between the hours of eight of the clock in the morning and three in the afternoon, (except in cases which require an immediate example.)

Party tried to have a copy of the proceedings.

*Provided always*, That the party tried by any general court martial in this colony, shall be entitled to a copy of the sentence and proceedings of such court martial, upon demand thereof made by himself, or by any person or persons on his behalf, at any time not sooner than five days after such sentence, whether such sentence be approved or not, any thing in this act to the contrary notwithstanding.

Transcript of the proceedings sent to the governor.

VII. *Provided also, and be it enacted, by the authority aforesaid*, That the president and other officers acting as members of any such court martial, do, and they are hereby required to transmit with as much expedition as the opportunity of time and distance of place can admit a transcript of the proceedings and sentence of such court martial, under their hands and seals, to the governor or commander in chief for the time being, and that execution of all and every such sentence and judgment, shall be suspended until the pleasure of the governor or commander in chief be known, who if he thinks proper, is hereby desired to issue his warrant under the seal of the colony, for putting such sentence or judgment into execution, and to transmit the same to the presiding officer at such court martial.

Court-martial.

VIII. *And be it further enacted, by the authority aforesaid*, That the governor or commander in chief of this colony, may, for the trial of the officers or soldiers belonging to any company of rangers, grant a commission under the seal of this colony, to one of the field officers of the said regiment to hold a court martial, which court martial shall consist of such officer and the commissioned officers of the several companies

of rangers, to be raised by virtue of any act of Assembly, or seven of them at least, and no sentence of death shall be given against any offender by such court martial, unless six officers then present shall concur therein: And the said court martial so constituted shall have the same power, that the courts martial to be held by virtue of this act for the trial of the officers and soldiers of the Virginia regiment have, and shall in every other respect be subject to the same rules, orders, and regulations.

IX. And whereas several soldiers and rangers after being inlisted do desert and are often found wandering or otherwise absenting themselves illegally from the service aforesaid. *Be it enacted, by the authority aforesaid,* That it shall and may be lawful to and for all magistrates, officers and others, who shall have reasonable cause to suspect any man to be such a deserter, to apprehend or cause him to be apprehended, and to cause such person to be brought before any justice of the peace of the said county, who hath hereby power to examine such suspected person; and if by his confession, or by the testimony of one or more witness or witnesses upon oath, or by the knowledge of the justice of the peace, it shall appear or be found that such suspected person is an inlisted soldier or ranger, and ought to be with the company to which he belongs, such justice shall issue his warrant to the next constable, requiring him to receive such deserter, and him to convey and deliver to the next constable, and so from constable to constable until such deserter be delivered to the commanding officer of the company to which he belongs: And every constable to whom such deserter and warrant shall be produced, shall execute the same and give a receipt upon the delivery of the deserter to him, under the penalty of forfeiting five hundred pounds of tobacco, recoverable before any justice of the peace to the use of the informer.

Deserters  
how they  
may be ap-  
prehended.

X. *And be it further enacted, by the authority aforesaid,* That every constable charged with the conducting any deserter, shall be and is hereby impowered to impress men and horses where necessary, for the safe conveying the deserter or deserters wherewith he stands charged; and if such constable shall suffer such deserter to escape, he shall forfeit and pay five hundred pounds of tobacco to the use of the informer, to be recovered in the manner herein before mentioned. And

Constables  
may impress  
horses, &c.



for the better encouragement of any person or persons to secure or apprehend such deserters aforesaid.

Reward to persons taking up deserters.

XI. *Be it further enacted, by the authority aforesaid,* That such justice of the peace shall give him or them a certificate thereof, and the taker up shall be entitled to two hundred pounds of tobacco, to be levied on the public. And when any deserter shall have crossed the bay of Chesapeake, every constable to whom such deserter shall be committed, shall forthwith cause him to be transported again across the bay and delivered to a constable there, to be conveyed as is herein before directed, and for his trouble and charge therein, such constable shall have and receive five hundred pounds of tobacco, for every deserter so transported and delivered, to be paid by the public.

Penalty on those harboring or dealing with deserters.

XII. *Provided always,* That if any person shall harbor, conceal, or assist any deserter from the forces which now are or hereafter shall be in the pay of this colony, knowing him to be such; or if any person shall knowingly buy or exchange, or otherwise receive any arms or cloaths from any soldier or deserter, on any pretence whatsoever, the person so offending shall forfeit for every such offence the sum of twenty pounds, and upon conviction by the oath of one or more credible witness or witnesses, before any justice of the peace in the county where such offence shall be committed; the said penalties shall be levied by warrant under the hand of the said justice of the peace, by distress and sale of the goods and chattels of the offender, to be paid to the informer.

The general issue pleaded and special matter given in evidence.

XIII. *And be it further enacted,* That if any action, bill, plaint or suit, shall be brought against any person or persons for any act, matter or thing to be acted or done pursuant to this act, it shall and may be lawful for all or any person or persons, sued as aforesaid, to plead thereunto the general issue, and to give such special matter in evidence to the jury who shall try the issue, which special matter if pleaded had been a good and sufficient matter in law, to have discharged the defendant or defendants of the trespass or other matter laid to his or their charge.

Continuance.

XIV. *And be it further enacted, by the authority aforesaid,* That this act shall continue and be in force for and during the space of one year and no longer.

## CHAP. III.

*An Act for the better regulating and disciplining the Militia.*

I. WHEREAS it is necessary, in this time of danger, that the militia of this colony should be well regulated and disciplined, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the passing of this act every county-lieutenant, colonel, lieutenant-colonel, and other inferior officer, bearing any commission in the militia of this colony, shall be an inhabitant of, and resident in the county of which he is or shall be commissioned to be an officer of the militia.

All officers of the militia to be resident in the county.

II. *And be it further enacted, by the authority aforesaid,* That the lieutenant, or in his absence the chief officer of the militia, in every county, except the county of Hampshire, shall list all male persons above the age of eighteen years, and under the age of sixty years, within this colony (imported servants excepted) under the command of such captain as he shall think fit, within one month after the passing of this act.

All above and under 18 60 to be listed.

III. *Provided always,* That nothing herein contained shall be construed to compel any person hereafter mentioned to muster, that is to say, such as are members of the council, speaker of the house of burgesses, receiver-general, auditor, secretary, attorney-general, clerk of the council, clerk of the secretary's office, ministers of the church of England, the president, masters or professors, and students of William and Mary college, the mayor, recorder, and aldermen of the city of Williamsburg, and borough of Norfolk, the keeper of the public goal, any person being bona fide an overseer over four servants or slaves, being tithables, and actually residing on the plantation where they work, and receiving a share of the crop or wages for his care and pains in looking after such servants and slaves; any miller having the charge and keeping of any mill, and founders, keepers, or other persons employed in or about any copper, iron, or lead mine, who are all hereby exempted from being

Persons exempted.



inlisted or any wise concerned in the militia during the time they shall continue in such station or capacity.

The accom-  
trements.

IV. *And be it further enacted, by the authority aforesaid,* That every person so as aforesaid inlisted (except free mulattoes, negroes, and Indians) shall be armed in the manner following, that is to say: Every soldier shall be furnished with a firelock well fixed, a bayonet fitted to the same, a double cartouch-box, and three charges of powder, and constantly appear with the same at the time and place appointed for muster and exercise, and shall also keep at his place of abode one pound of powder and four pounds of ball, and bring the same with him into the field when he shall be required: And if it shall be certified to the court of any county, by order of the court-martial, that any soldier inlisted in such company is so poor as not to be able to purchase the arms aforesaid, then such court shall, and they are hereby required, immediately to depute some person to send for the same to Great-Britain by the first opportunity, and to levy the charge thereof in the next county levy; which arms so to be sent for shall be marked with the name of the county; and if any person shall presume to buy or sell any such arms, so provided as aforesaid, then, and in such case, every person so buying or selling shall forfeit and pay the sum of six pounds, to be recovered, with costs, by information, before the court of the county to which the arms shall belong, or in the court of the county wherein the offender or offenders shall reside, one moiety whereof shall be to and for the use of the county to which the arms shall belong for the purchasing other arms, and the other moiety to the informer: And all arms purchased by any county and delivered to any poor soldier, as aforesaid, shall, on his death or removal out of the county, be delivered to the chief officer of the militia in the county, or to the captain of the company to which such poor soldier did belong, to be by such officer delivered to any other poor soldier that the commanding officer of the said county shall adjudge unable to provide himself with arms, as aforesaid.

Persons ex-  
empted to  
find arms,  
&c. for the  
use of the  
militia.

V. *And be it further enacted, by the authority aforesaid,* That the several persons herein before exempted from mustering (except ministers of the church of England, the president masters or professors, and

students of William and Mary college, the keeper of the public goal, overseers and millers, and all workers in any mine whatsoever) shall provide arms for the use of the county, city, or borough wherein they shall respectively reside, in the following manner, that is to say: Each counsellor, not being an officer of the militia, four compleat sets of arms, as is herein before directed for a soldier; the speaker of the house of burgesses, not being an officer of the militia, four compleat sets as before; the receiver-general, auditor, and secretary, not being a counsellor or officer of the militia, each four compleat sets, as before; the attorney-general, not being an officer of the militia, two compleat sets as before; the clerk of the council and clerk of the secretary's office, not being officers of the militia, each two compleat sets, as before; the mayor, recorder, and aldermen of the city of Williamsburg and borough of Norfolk, not before by this act obliged, and not being officers of the militia, each two compleat sets, as before. And if they shall fail or refuse so to do, within twelve months after the passing of this act, then it shall and may be lawful for the several courts of the counties wherein the persons before mentioned shall reside, and they are hereby impowered and required to levy the value of the same on each of them respectively.

VI. *Provided always*, That nothing herein contained shall be construed to oblige any of the persons, exempted from mustering, as aforesaid, who have already provided arms for the use of the county, city, or borough wherein they respectively reside, according to the directions of the act made in the twenty ninth year of his present majesty's reign, intituled, An act for the better regulating and training the militia, to provide any other arms for the use aforesaid.

Not to extend to them who have already found arms.

VII. *And be it further enacted, by the authority aforesaid*, That all such free mulattoes, negroes, and Indians as are or shall be inlisted, as aforesaid, shall appear without arms, and may be employed as drummers, trumpeters, or pioneers, or in such other servile labor as they shall be directed to perform.

Free negroes, &c. to be employed in any servile labour.

VIII. *And for the better training and exercising the militia, and rendering them more serviceable. Be it further enacted, by the authority aforesaid*, That every captain shall, once in three months, and oftner if thereto required by the lieutenant or chief command-

General and private musters.



Misbehaviour at courts martial how punishable.

ing officer in the county, muster, train, and exercise his company, and the lieutenant or other chief commanding officer in the county shall cause a general muster and exercise of all the companies within his county, to be made in the months of March or April, and September or October, yearly; and if any soldier shall, at any general or private muster, refuse to perform the command of his officer, or behave himself refractorily or mutinously, or misbehave himself at the courts martial to be held in pursuance of this act, as is herein after directed, it shall and may be lawful to and for the chief commanding officer, then present, to cause such offender to be tied neck and heels, for any time not exceeding five minutes, or inflict such corporal punishment as he shall think fit, not exceeding twenty lashes.

Captains to keep proper lists of delinquents.

IX. And every captain, or in his absence the lieutenant, shall duly make a list of all the persons upon his muster-roll who shall be summoned and do not appear at any of the said musters, armed, and with powder and ball as by this act is directed, and return the same, with the names of all officers who shall be absent, to the next court martial; and every captain shall have power to appoint a clerk to his company, who shall be sworn by such captain well and truly to execute his said office, and such clerk shall keep the muster-roll and attend all musters with the same, and shall be exempted from mustering, but shall appear with arms, and powder, and ball, as is before directed at all such musters: And further, it shall and may be lawful for the lieutenant or other chief officer of the militia in the county, to order all soldiers inlisted therein to go armed to their respective parish churches.

Court martial.

X. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the field officers and captains of every county, or the major part of them, whereof the county-lieutenant, colonel, lieutenant-colonel, or major, shall be one, and they are hereby required to meet at the court house of their counties respectively, the day next following the general muster in September or October every year, if fair, if not, the next fair day, then and there to hold a court martial, which court shall have power to adjourn from day to day, and to enquire of the age and abilities of all persons inlisted, and to exempt such as they shall adjudge incapable of service, and of all delin-

quents returned by the captains for absence from musters or appearing without arms, powder, or ball; and where any person is returned a delinquent to a court-martial and shall not be able, by reason of sickness or other real disability, to attend such court to give in his reasonable excuse for such his delinquency, it shall and may be lawful for the succeeding court-martial to be held for such county, city or borough, wherein such person shall be returned a delinquent, upon such reasonable excuse then offered, to remit such fine or fines levied by the preceeding court-martial on such person; and such court shall and may, and they are hereby empowered to administer an oath or oaths to any person or persons for their better information in the premisses, and to order the fines inflicted by this act, not otherwise directed, to be levied upon all delinquents who shall not make out some just excuse, for not performing their duty, and to order and dispose of all such fines for buying drums and trophies for the use of the militia of the county, and for supplying the militia of the said county with arms: And the said courts shall have full power, and are hereby required to keep a register of all their proceedings, and for that purpose to appoint a clerk, and to administer an oath to such clerk well and faithfully to execute his office, and to allow him such salary for his service, out of the said fines, as they in their discretion shall think reasonable; and after the holding of every such court the clerk shall make out copies of all their orders and deliver the same, within one month next following the said court, to the sheriff of the county, who is hereby required to demand and receive the money therein charged of the person made chargeable therewith, and in case of non-payment, on or before the tenth day of April then next following: to levy the same by distress and sale of the goods of the person refusing, according to the directions of the laws now in force enabling the sale of goods distrained for rent; and where any delinquent shall remove out of the county before he hath paid and satisfied all fines laid on him in pursuance of this act and shall not leave sufficient effects in the county to satisfy the same, then the said clerk shall send copies of the said courts orders against such delinquents to the sheriff of the county into which he or they shall be removed, and such sheriff is hereby im-



powered and required to collect, levy and account for the same in the manner herein before directed.

Penalties.

XI. *And be it further enacted, by the authority aforesaid,* That the several persons herein after mentioned failing to do their duty in the manner by this act directed shall forfeit and pay the several sums following respectively, that is to say: The lieutenant of any county or the chief commanding officer there failing to appoint a general muster in the months of March or April, and another in the months of September or October, in every year, not having a reasonable excuse, shall for every such failure forfeit and pay the sum of twenty pounds; every county lieutenant, colonel, lieutenant-colonel, and major failing to appear at every such general muster, or at the court-martial shall forfeit and pay ten pounds for every such failure; every captain who shall fail to muster and exercise his company four times a year, or oftener if thereto required, shall forfeit and pay forty shillings for every time he shall so fail to muster and exercise, and every captain failing to appear at every general muster and court-martial shall forfeit and pay five pounds for every such failure; every lieutenant who shall fail to appear at any muster shall forfeit and pay twenty shillings for every such failure; and every ensign ten shillings for every such failure; and every captain, or in his absence the lieutenant, failing to return a list of the persons who shall not appear at musters, or shall appear without arms, powder and ball, shall forfeit and pay ten pounds for every such failure; every clerk failing to appear with arms, powder and ball, as is before directed, shall pay ten shillings for every such failure; every soldier refusing to serve as a serjeant, corporal or drummer, being thereto required by his captain, shall pay five shillings for every muster he shall so refuse; and every soldier appearing at muster without a firelock well fixed, and a bayonet fitted to the same, shall pay three shillings for every such failure, and for appearing at muster without a double cartouch-box shall pay one shilling, and without three charges of powder shall pay two shillings for every such failure, and every soldier failing to appear at muster shall forfeit and pay ten shillings for every such failure. *Provided,* That no person be fined above six times in the year for any particular default. Every soldier ordered to go armed to church neglecting so to do shall

pay five shillings for every such failure; and every clerk of a court-martial failing to deliver the orders of the court-martial to the sheriff or sheriffs within the time before limited shall forfeit and pay fifty pounds.

XII. *And be it further enacted, by the authority aforesaid,* That every officer of the militia within this colony shall at all times that he acts on duty at any private or general muster, appear well armed, in the following manner, that is to say: Every county lieutenant, colonel, lieutenant-colonel, major with a sword; and every captain and lieutenant with a firelock and a sword, and every ensign with a cutting-sword; every corporal and serjeant with a cutting-sword and halbert, under the penalty of ten shillings for every time that every such officer shall appear without such arms; all which fines shall be levied by the court-martial directed to be held by this act in such county, city or borough wherein such officers shall act as an officer, and be appropriated to the same uses as is before directed for the appropriation of the fines levied on the soldiers of the militia appearing unarmed.

Officers accounted against the militia.

XIII. *Provided nevertheless,* That every such officer shall have twelve months allowed him, after his promotion to such office, for the furnishing the arms as aforesaid, but in the mean time shall appear with such of the said arms as he already hath: And the same fines and penalties shall be paid by the officers and soldiers of the militia in the city of Williamsburg and borough of Norfolk, in case of their failing or refusing to do and perform the several services, and to appear armed and with powder, in the same manner as is by this act required of the officers and soldiers of the militia of the several counties.

Twelve months allowed to provide them.

XIV. *Provided also, and it is hereby enacted,* That twelve months shall be given and allowed to each soldier, not already enlisted, to furnish and provide himself with arms and ammunition according to the directions of this act, and that no soldier be fined for appearing without or not having the same at his place of abode until he hath been enlisted twelve months as aforesaid, so as such soldier do appear at all musters during the said twelve months with such arms as he hath and is already furnished with: And if any soldier shall appear at any muster not armed, and with ammunition according to the directions of this act, it shall and may be lawful for the captain of the compa-

The same time allowed the soldiers.



ny to which such soldier shall belong to examine such soldier, upon oath, whether he hath any, and what arms and ammunition he really hath of his own property, and if on such examination it shall appear that such soldier hath any arms or ammunition of his own property, and hath not brought the same, or so much thereof as this act requires. to such muster, he shall be liable to the penalties inflicted by this act altho' he hath not been inlisted twelve months; and where any person inlisted, pursuant to this act, in any county, shall remove to another county, the time for furnishing himself with arms and ammunition shall commence from the time of his being first inlisted in the county from whence he removed.

Arms to be  
free from ex-  
ecutions, &c.

XV. And for an encouragement to every soldier to provide and furnish himself according to the directions of this act, and his security to keep his arms and ammunition when provided, *Be it further enacted, by the authority aforesaid,* That the arms and ammunition provided and kept in pursuance of this act be free and exempted at all times from being impressed upon any account whatsoever, and likewise from being seized or taken by any manner of distress, attachment, or writ of execution, and that every distress, seizure or execution made or served upon any of the premisses be unlawful and void, and that the officer or person who presumes to make or serve the same be liable to the suit of the party grieved, wherein double damages shall be given upon a recovery; and every person going to, attending at, and returning from muster shall be privileged and exempted from arrests, and from being served with any other process in any civil action or suit.

Persons go-  
ing to, or co-  
ming from  
musters, ex-  
empted from  
arrests.

Miller.

XVI. *And be it further enacted, by the authority aforesaid,* That if any exempted overseer or miller shall presume to appear at any muster, or in any muster-field whatsoever on the day on which such muster shall be appointed, the party so offending shall, for every such offence, forfeit and pay twenty shillings, to be assessed upon him by the next court-martial, upon a certificate of the offence to them made by the captain or chief officer present at such muster, or the information, on oath, of any person whatsoever, and levied, accounted for, and appropriated in the same manner as the other fines ordered by the court-martial; and that the fines and penalties incurred by infants and

Infants.

servants for the breach or neglect of their duty in any particular service by this act required of them, shall be paid by the parent, guardian, or master, respectively; and if the breach or neglect of such servants is not occasioned by their masters influence or direction, then the fines incurred by them and so paid by the master, shall be repaid to the master by the further service of such servant, after the time they are bound to serve is expired, which shall be determined by the county court, or the court of Hustings in the city of Williamsburg or borough of Norfolk, wherein either of the parties reside, upon complaint made to them thereof by such master.

Servants

XVII. *And be it further enacted, by the authority aforesaid,* That if any sheriff shall refuse to receive the orders of any court martial offered to him, by virtue of this act, or to collect and levy the fines herein mentioned, such sheriff upon a motion and complaint thereof made to the county court or general court, shall be fined for every such refusal, one hundred pounds, to be appropriated in the same manner as the other fines last mentioned: And if any sheriff shall take upon him such collection, or receiving the said orders shall fail to account for and pay what he shall have received by virtue thereof to the receiver, to be appointed for that purpose by the court martial, deducting six per cent. only for his commission in collecting and receiving, upon a motion or complaint made against him by the said receiver or the commanding officer of the militia, to the county court or general court, such court shall give judgment and award execution against him, his executors or administrators, for the same. *Provided,* That such sheriff, his executors or administrators, have ten days previous notice of such motion. And if any receiver heretofore appointed or hereafter to be appointed, hath failed or shall fail to account with the court martial when required, or to apply the money by him received or to be received, as he hath been or shall be directed by the court martial, that then upon a motion or complaint made to the county court or court of hustings, in the city of Williamsburg or borough of Norfolk, respectively, by any officer of the militia against such receiver, such court shall give judgment and award execution against him, his executors or administrators for the same, and cause the money to be appropriated to the uses directed by the court martial.

Penalty on  
sheriffs fail-  
ing to col-  
lect.



*Provided*, That such receiver, his executors or administrators, have ten day previous notice of such motion. And if any sheriff hath heretofore failed to account for and pay all militia fines collected by him, upon a motion or complaint made by the receiver or commanding officer of the militia of the county whereof he is or hath been sheriff to the general or county court, such court shall give judgment and award execution against him, his executors or administrators for the same. *Provided*, Notice be given to such sheriff, his executors or administrators, as aforesaid.

Officers to  
take the  
oaths of go-  
vernment.

**XVIII.** *And be it further enacted, by the authority aforesaid*, That every commission officer in the militia, shall, before he acts under or executes any such commission in the court of his county, take the oaths appointed by law to be taken, instead of the oaths of allegiance and supremacy, the abjuration oath, and subscribe the same with the test; and that every county lieutenant, colonel, lieutenant-colonel, major, and captain, at the time of holding every court martial, before they hold the same, shall take the following oath, which shall be first taken by the presiding officer then present, and then be by him administered to the rest of the officers, to wit,

Oath at court  
martial.

I A. B. do swear, that I will do equal right and justice to all men according to the act of Assembly, for the better regulating and disciplining the militia.

And every person accepting a commission in the militia, who shall neglect or refuse to qualify himself to act under the same, by taking and subscribing the oaths and test before mentioned, within three months after receiving his commission, every such person shall forfeit and pay the sum of five pounds.

Appropriation of fines of county-lieutenants not appointing general musters.

**XIX.** *And be it further enacted*, That the fine by this act imposed on the lieutenant or chief commanding officer of the militia for neglecting to order general musters, shall be one moiety to the informer and the other to and for the use of the county for providing arms, and shall and may be recovered with costs, by action of debt or information, in any court of record.

Penalties on officers not attending court martial or general muster, how recovered.

**XX.** *And be it further enacted*, That if there be no court martial held the penalties herein before inflicted on officers not attending such court martial or the general muster, shall be recovered against the officers failing to attend or appear, and collected in the same manner, as is herein before directed for recovering

and collecting the fines and penalties laid on officers failing to appoint general musters.

XXI. *And be it further enacted, by the authority* Adjutant. *aforsaid,* That every adjutant for the time being, with one servant and their horses, shall be exempt from the payment of ferriages, at all public and other ferries within this colony, and that the respective ferry keepers shall give them and their servants and horses immediate passage at all such ferries, as in the case of public expresses, any law or custom to the contrary notwithstanding.

XXII. *And be it further enacted, by the authority* Repealing *aforsaid,* That all and every other act and acts, and clause. every clause and article therein contained for the settlement and regulation of the militia, or any other matter or thing within the purview of this act, shall be and is hereby repealed and made void to all intents and purposes whatsoever.

XXIII. *Provided nevertheless, and be it enacted, by* Proviso. *the authority aforsaid,* That nothing herein contained shall be construed so as to discharge or excuse the militia established by the act of Assembly made in the twenty-ninth year of his present majesty's reign, intituled, An act for the better regulating and training the militia, from conforming to the several rules and performing the several duties in the said act directed; but that the said militia shall continue on such establishment until they are inlisted according to the directions of this act, and that the several penalties incurred by any offender or delinquent in the before recited act shall be enquired into, and the fines thereupon arising assessed by the court martial appointed to be held in pursuance of this act, and that all such fines shall be levied on such offenders or delinquents, and appropriated and accounted for in the same manner as is herein before directed for any other fines or penalties, and that the several county courts shall have full power and authority to levy in their respective county levies the charges and expences for all such arms as have been by them purchased or sent for to Great-Britain, by the directions of the before recited act.

XXIV. *Provided always,* That nothing in this act contained shall extend or be construed to extend to the inhabitants of the city of Williamsburg or borough of Norfolk, so as to oblige them to muster or serve in the militia out of the said city or borough, but that such inhabitants shall be inlisted and trained in manner as

How far this act does not extend to Williamsburg and Norfolk.



is directed by the acts of Assembly made in the ninth and twelfth years of the reign of his late majesty king George the first, intituled, An act for enlarging the jurisdiction of the court of hustings in the city of Williamsburg within the limits thereof: And an act to prevent the inhabitants of the borough of Norfolk from being compelled to serve in the militia of the county of Norfolk, and to exempt sailors or seamen in actual pay on board any ship or vessel from serving in the militia, any thing in this act to the contrary notwithstanding. And whereas the method by the said recited acts prescribed for fining delinquents in the militia of the said city or borough hath been found inconvenient, for remedy whereof,

To hold a court martial in Williamsburg and Norfolk.

**XXV.** *Be it further enacted, by the authority aforesaid,* That from and after the passing of this act, the colonel, major, and captains of the militia of the said city of Williamsburg and borough of Norfolk, or the major part of them, whereof the colonel or major shall be one, shall, and they are hereby impowered and required to hold a court martial at the court houses of the said city and borough respectively, in the same manner and for the same purposes as the courts martial are by this act directed and appointed to be held in the counties, any thing in the said recited acts to the contrary notwithstanding.

Officers of the militia of any other place not to be inlisted in Williamsburg or Norfolk.

**XXVI.** *And be it further enacted,* That the colonel or chief commanding officer of the said city or borough, shall not by virtue of the two last recited acts be suffered to inlist in the militia of the said city or borough any persons that are officers of the militia in the counties wherein such city or borough shall lie.

Patrollers.

**XXVII.** And for establishing a better method of appointing patrollers, and for declaring their duty therein, *Be it enacted, by the authority aforesaid,* That it shall and may be lawful for the chief officer of the militia in every county, and he is hereby required some time before the tenth day of June yearly, to appoint an officer and so many men of the militia, as to him shall appear to be necessary, not exceeding four, once in every month or oftner if thereto required by such chief officer, to patrol and visit all negroe quarters, and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons as aforesaid, unlawfully assembled, or any other strolling about from one plantation to another without a pass from his or her master, mistress, or overseer,

and to carry them before the next justice of the peace, who if he shall see cause, is to order every such slave, servant, stroller, or other disorderly person as aforesaid, to receive any number of lashes, not exceeding twenty, on his or her bare back well laid on; and in case one company of patrollers shall not be sufficient, to order more companies for the same service. And after every patrol the officer of each party shall return to the captain of the company whereunto he belongs, a report in writing upon oath (which oath such captain is hereby empowered to administer, of the names of those of his party who were upon duty, and of the proceedings in such patrol, and each captain shall once in every month deliver such patrol returns to the county lieutenant, or other chief commanding officer in his county, by whom they shall be certified and delivered to the next court martial, and if they shall adjudge the patrollers have performed their duty according to law, the chief officer shall certify the same to the county court, who upon such certificate are hereby empowered and required at the laying of their county levy to allow to, and levy for every one of the patrollers ten pounds of tobacco for every day or night they shall so patrol; and moreover such patrollers shall be exempt from the payment of public, county, and parish levies, for their own persons for those years in which they shall be employed in that service.

XXVIII. *And be it further enacted; by the authority* Penalties. *aforesaid,* That if the chief officer of the militia in any county, shall fail to appoint patrollers according to the directions of this act such officer shall forfeit and pay the sum of five pounds, and every person appointed to patrol in pursuance of this act failing to do his duty therein shall pay the sum of five shillings, for every such failure, which fines shall be laid by the court martial of the county, and shall be collected, levied, accounted for, and appropriated as is herein before directed, for the collecting, levying, accounting for, and appropriating the several fines and penalties herein before laid; and in like manner the chief officer of the militia in the aforesaid city of Williamsburg and borough of Norfolk, shall appoint all the persons of their militia to patrol within the said city and borough, or within half a mile of the limits thereof by turns, in such numbers and at such times as they shall think



necessary, which officers and patrollers shall be subject to the same fines and penalties, and to be recovered and appropriated in the same manner as is herein before directed in the case of patrollers in the counties.

This act may be given in evidence.

XXIX. *And be it further enacted, by the authority aforesaid, That if any action shall hereafter be brought in any court of this colony, against any person or persons appointed to patrol pursuant to this act, for any matter or thing done by him or them in the execution of their duty as patrollers, it shall and may be lawful to and for every person and persons against whom such action or suit shall be brought to plead the general issue, and give the special matter in evidence on the trial, and if any judgment shall be given for the defendant, or if the plaintiff shall become nonsuit or discontinue his suit, then the defendant shall recover treble costs.*

Continuance.

XXX. *And be it further enacted, by the authority aforesaid, That this act shall commence and be in force from and after the passing thereof, for and during the term of three years.*

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## CHAP. IV.

*An Act for reducing the several acts for making provision against invasions and insurrections into one act.*

Governor may order out the militia.

I. WHEREAS it is necessary that the several acts of Assembly relating to invasions and insurrections should be reduced into one act, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That upon any invasion of any enemy, by sea or land, or upon any insurrection, the governor or commander in chief for the time being shall have full power and authority to levy, raise, arm and muster such a number of forces out of the militia of this colony as shall be thought needful for repelling the invasion, or suppressing the insur-*

rection or other danger; and the same to lead, conduct, march, transport and employ, or by his lieutenants, commanders, or other officers by him commissioned, to cause to be led, conducted, marched, transported and employed, as well within the several counties and places to which they belong as into any other counties and places within this dominion, for the suppressing and repelling of all such invasions and insurrections, and such forces again to discharge and disband as the cause of danger ceases.

II. *And be it further enacted, by the authority aforesaid,* That every officer of the militia, to whom notice shall be given of any invasion or insurrection, shall raise the militia under his command, and send intelligence to the county lieutenant, or in his absence to the chief commanding officer in the county, and shall moreover immediately proceed to oppose the enemy according to the orders he shall receive from his chief commanding officer until further orders arrive from the governor or commander in chief of this dominion for the time being, and such county-lieutenant or chief commanding officer shall give immediate notice to the officers of the militia of the next adjacent counties of such invasion or insurrection, and the situation and circumstances of the enemy according to the best of his information and judgment; and such officer to whom such notice shall be given, if not the chief commanding officer of the county, shall give immediate notice to his commanding officer of the information that he shall receive, who shall immediately raise the militia of his county and march part thereof, not exceeding two-thirds, against such enemy, if the circumstances of the case shall require it, which shall be enquired into by a council of his field-officers and captains, or the major part of them, which council every such commanding officer is hereby impowered and required forthwith to summon and hold; and such commanding officer shall cause the remaining part of his militia, not so marched, to remain in arms in the county for the defence and protection thereof, until he shall receive orders from the governor or commander in chief as aforesaid: And every county lieutenant or chief commanding officer in any county to whom such intelligence shall be given of any invasion or insurrection, shall forthwith dispatch an express to the governor or commander in chief as aforesaid, notifying the Officers duty.



danger, and shall therewith signify in the best manner he can the strength and motions of the enemy, and for that purpose such county lieutenant or chief commanding officer shall have full power to impress boats and hands, men and horses, as the service may require, for the dispatch of such intelligence.

Penalty on officers refusing to raise the militia.

III. *And be it further enacted, by the authority aforesaid,* That any officer receiving information of any invasion or insurrection from any officer of an adjacent county in the manner herein before expressed, that shall refuse to raise his militia, and call a council of his field officers and captains, for the determination of what is necessary to be done on such information, shall forfeit and pay the sum of two hundred pounds, and every officer summoned to such council as aforesaid, that shall refuse to attend the same, shall forfeit and pay the sum of fifty pounds.

Penalty on officers and soldiers failing to do their duty.

IV. *And be it further enacted, by the authority aforesaid,* That if any officer of the militia who upon occasion of any invasion or insurrection, shall receive any orders or informations from the governor or commander in chief for the time being, or from any other his superior officer, either for calling together the soldiers or marching them to any particular place, shall neglect or refuse to execute such orders or instructions in the best manner he is capable, every such officer so neglecting or refusing, shall respectively forfeit and pay the sums following, that is to say, every lieutenant of a county the sum of two hundred pounds; every colonel the sum of two hundred pounds; every lieutenant-colonel the sum of two hundred pounds; every major the sum of one hundred pounds; every captain the sum of seventy five pounds; every lieutenant the sum of fifty pounds; every ensign the sum of twenty five pounds; every serjeant or corporal twenty pounds; and every soldier who shall be summoned to appear upon any such occasion and shall fail so to do, or shall fail to bring with him his arms, with one pound of powder and four pounds of ball, or shall refuse to march, shall forfeit and pay the sum of twenty pounds: And if any officer or soldier during the time the militia shall be employed for suppressing any invasion or insurrection under this act, shall desert the said service or raise any mutiny or sedition in the company to which he belongs, or any other company in the said service, or coming to the knowledge of any such mutiny or in-

tended mutiny, shall not give information thereof to his commanding officer and use his utmost endeavour to suppress the same, shall suffer such corporal punishment as shall be inflicted on him by a court martial, to consist of the field officers and captains then present not extending to life or member. And every person holding correspondence with, or giving intelligence to the enemy, during the time such militia is employed for suppressing such invasion or insurrection, shall suffer death as in cases of felony without benefit of clergy, upon being thereof lawfully convicted before the general court of this colony.

V. *And be it further enacted, by the authority aforesaid,* That in all trials of offenders by any court martial to be held by virtue of this act, every officer present at such trial before any proceedings be had thereupon, shall take the following oath (which the presiding officer then present shall first take himself, and then administer to the others) that is to say,

Court martial to take an oath.

I A. B. do swear, that I will well and truly try and determine according to the evidence in the matter now before me, between our sovereign lord the king and the prisoner to be tried, and that I will duly administer justice according to the act of Assembly, intituled, An act for reducing the several acts for making provision against invasions and insurrections into one act, without partiality, favor, or affection, and that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness by a court of justice in a due course of law.

The oath.

*So help me God.*

And that such court martial shall have power to appoint a clerk to keep a register of their proceeding, to whom the president of the court shall administer the following oath, to wit,

You shall swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness by a court of justice in due course of law.

Clerk's oath.

*So help you God.*

VI. *And be it further enacted, by the authority aforesaid,* That if any inferior officer or soldier during the time the militia shall be employed for suppressing any

Penalty on misbehavior.



invasion or insurrection, as aforesaid, shall disobey the lawful commands of his superior officer, or behave himself refractorily, every officer so offending shall pay such fine, not exceeding fifty pounds; and every soldier so offending shall pay such fine, not exceeding five pounds, as by a court martial to be held as aforesaid, shall be imposed; and if any soldier shall fail or refuse to pay down such fine immediately to his commanding officer, or give sufficient security to pay the same within three months, then such soldier shall receive thirty-nine lashes on his bare back well laid on; and if any inferior officer or soldier during the time the militia shall be employed as aforesaid, shall be guilty of prophane swearing, drunkenness, or any other the like offence, every person so offending shall upon conviction thereof before a court martial to be held as aforesaid, pay five shillings for every offence, so that the same at any one time doth not exceed twenty shillings; and if any soldier shall fail to pay the same, or give security as aforesaid, he shall for every of the said offences receive five lashes on his bare back well laid on, so that the same at any one time doth not exceed twenty lashes. And no person shall be subject to a second trial for the same offence, after he hath been once condemned or acquitted thereof.

This given in evidence on general issue.

VII. *And be it further enacted, by the authority aforesaid,* That if any officer shall be sued for any thing by him done in pursuance of this act, it shall and may be lawful for such officer to plead the general issue, and to give the special matter and this act in evidence.

Where officers deliver up their commissions.

VIII. *And be it further enacted, by the authority aforesaid,* That if any officer of the militia shall upon receiving the orders of the governor or commander in chief or any his superior officer, for raising and marching the militia according to this act, deliver up his commission thereby intending to avoid the force of this act, and the punishment for disobeying such orders, every such officer so offending, shall be liable to the same penalty as by this act is inflicted for disobeying or neglecting such orders, and shall be immediately inlisted as a common soldier by the next officer acting in command.

Where officers may impress.

IX. *And be it further enacted, by the authority aforesaid,* That when any forces shall be raised out of the militia of this colony according to the directions of this act, it shall and may be lawful for any commis-

sioned officer commanding any part of the same by warrant under the hand and seal of any county lieutenant, colonel, lieutenant-colonel, or major, to impress and take up at the public charge necessary provisions of and from any person or persons, and to impress and take up sloops and boats necessary for the transportation of forces over rivers and creeks, or the main bay of Chesapeak, together with the rigging, tackle, furniture and apparel belonging thereunto; and also all manner of carts, waggon, draught horses or oxen, or other conveniences for the land carriage of provisions, great guns, arms and ammunition, from place to place, and likewise any manner of utensils, tools or instruments, which shall or may be wanted for digging or entrenching, or towards mounting the great guns, and making them useful; and further, that it shall and may be lawful by warrant as aforesaid, to impress able and fit men to go in sloops or boats, and also any smith, wheelwright, carpenter, or other artificer whatsoever, which shall be thought useful for the fixing of arms, making carriages for great guns, or doing any other work whatsoever, where need shall be of such artificers.

X. *Provided always*, That it shall not be lawful to make use of any provisions, utensils, tools or instruments, so impressed or taken up, until appraisement thereof hath been made in money by two good and lawful men upon oath, one whereof to be chosen by the proprietor of such provisions, or other thing or things so impressed, and the other by the commanding officer present, which said officer is hereby impowered to administer such oath to the persons so appointed to appraise the same; nor of any sloop, boat, cart, waggon, horses or oxen, until such appraisement made of the same with the appurtenances belonging thereunto; and also an estimate made by the same men of a suitable allowance in money by the day for the use of such sloop, boat, cart or waggon, with the draught horses or oxen, and appurtenances thereto belonging, which every person so impressing is hereby required to cause to be made, and to give a receipt to the owner of every particular by him impressed and taken up, and a certificate how and by whom the same was appraised and estimated, and for what use and service impressed, upon pain of being liable to the penalty of twenty shil-

Where there  
must be an  
appraise-  
ment.



lings, and moreover to the action of the party grieved for unlawful seizure.

Look-outs.

XI. And for the better discovery of the approach of enemies by sea, *It is hereby further enacted*, That in each of the counties of Elizabeth-City, Princess-Anne, Accomac, and Northampton, at such times and places as the governor or commander in chief of this dominion shall think fit, to direct any number of men, not exceeding six, be appointed by the chief officer of the militia in each of the said counties respectively; which men shall keep a constant look-out to seaward by night and by day, and diligently observe the courses and motion of all such ships or vessels, as they or either of them shall discover upon the coast, and if upon such observation, such person shall suspect the said ships or vessels to belong to an enemy, he shall immediately give notice thereof to the next field officer in his county, who is thereupon to transmit an account thereof to the governor or commander in chief, and to the county lieutenant or chief commanding officer of the militia in the said county.

The pay of officers and men.

XII. *And be it further enacted, by the authority aforesaid*, That there shall be raised and paid by the public to the officers and soldiers drawn out into actual service by virtue of this act, and to the look-outs after the rates following; to wit, to the county lieutenant or commander in chief ten shillings per day; a colonel, lieutenant colonel each ten shillings per day; major eight shillings per day; captain six shillings per day; lieutenant three shillings per day; ensign two shillings per day, serjeant and corporal each one shilling and four-pence per day; drummer one shilling and two-pence per day; soldier one shilling per day; and to a look-out after the rate of thirty shillings per month.

Of wheelwrights and other artificers.

XIII. *And be it further enacted, by the authority aforesaid*, That every smith, wheelwright, carpenter, or other artificers, and all watermen employed in the service, as by this act is directed, shall be paid and allowed by the public after the rates following, to wit, every smith four shillings per day; wheelwright three shillings per day; carpenter three shillings per day; and watermen one shilling and six-pence per day: And where any sloop, boat, waggon or cart, impressed and appraised according to the directions of this act shall be damaged; or horse or ox hurt, the damage of the same shall be enquired into by two good and

lawful men on oath, to be appointed as is before directed for appraising; and if the proprietor shall refuse to appoint persons to appraise or value the goods so impressed, it shall and may be lawful for the commanding officer then present, to appoint both persons to make such enquiry, and to administer to them an oath for that purpose, and the difference between the appraisement and valuation when discharged, shall be paid by the public to the proprietor of such sloop, boat, waggon, cart, horse or ox.

XIV. And to the end a sufficient number of men Batteries. may be appointed for guarding the batteries erected in the several rivers of this dominion, and to assist in the better managing the great guns there mounted, when occasion shall be, *It is hereby further enacted,* That it shall and may be lawful for the governor or commander in chief of this dominion for the time being, to appoint and assign such a number of the militia as he shall think fit to attend the said batteries, under the command of such officer or officers, and under such order and discipline as he shall appoint and direct, which number of the militia shall be drafted out of any of the militia of the county by the commanding officer of such county in which such battery is or shall be erected, and shall be exempted from all private musters, except at such battery only during their attendance at such battery; and if any soldier drafted as aforesaid, shall refuse to enter upon the said service, or shall refuse to obey the commands and orders of the commanding officer at such battery, every soldier so offending shall forfeit and pay three pounds, or receive thirty-nine lashes on his bare back well laid on, for every such refusal, upon conviction thereof before a court martial to be held as aforesaid.

XV. And whereas it may be necessary in time of danger to arm part of the militia, not otherwise sufficiently provided out of his majesty's magazine, and other stores within this colony, *Be it further enacted, by the authority aforesaid,* That if any person or persons so armed out of his majesty's stores, shall detain or embezzle any arms or ammunition to him or them delivered for the public service, and shall not produce and re-deliver the same when ordered and required so to do, it shall be lawful for the respective county lieutenants or chief commanding officer within their counties by warrant under his or their hands, to commit such



offender to prison, there to remain until he shall make satisfaction for the arms or ammunition by him detained or embezzled.

The number  
of officers  
to the res-  
pective com-  
panies.

*XVI. And be it further enacted, by the authority aforesaid, That where any commanding officer of the militia, shall in pursuance of this act be obliged to raise any of the militia of his county, such officer shall not depute any greater number of inferior officers to act upon duty than is herein after expressed; that is to say, not more than one captain, one lieutenant, one ensign, three serjeants or corporals, and one drummer for every fifty soldiers; and so in proportion for a greater number: And for every company consisting of thirty men, not more than one lieutenant, one ensign, and two serjeants; and for every company not exceeding fifteen men, not more than one ensign, and one serjeant; and that every commanding officer shall together with the officer of the company by him raised and sent out as aforesaid, certify to the succeeding assembly a distinct list of the number of such company and officers acting under him, together with the time that they shall have been upon actual duty, which certificate shall be attested upon oath by the chief officer of such company before any justice of the peace of the county in which such company shall be raised. And if any commanding officer shall presume to order out a greater number of inferior officers, than are herein before expressed, according to the proportion of soldiers aforesaid, the pay of such supernumerary officers shall be levied on such commanding officer.*

No pay  
where they  
serve only  
two days.

*XVII. Provided always, That when any part of the militia raised by virtue of this act, shall be discharged within two days, no pay or allowance shall be given for the same, but every person shall bear his own charges; and when they shall be kept in service above two days, then the whole time shall be paid for and allowed as aforesaid.*

Mutiny and  
desertion.

*XVIII. And whereas officers and soldiers may mutiny or desert the service and cannot be apprehended, so as to be tried by a court martial, according to the directions of this act; that such offenders may not go unpunished, Be it enacted, by the authority aforesaid, That when any of the said offenders cannot be apprehended so as to be tried by a court martial as this act directs, it shall and may be lawful for any court of record within this dominion, upon complaint made to*

them by any commanding officer of the militia, and they are hereby required and impowered to cause every such offender to be apprehended and brought before them and take cognizance of the said offence or offences, and upon conviction to impose such fine or inflict such corporal punishment, not extending to life or member, upon every such offender as shall be thought reasonable.

**XIX.** *And be it further enacted, by the authority aforesaid,,* That when the militia of any county shall be drawn out into actual service by virtue of this act, every officer and soldier of such militia shall be exempted from all process in any cause or suit whatsoever, (other than for some criminal matter) and his estate privileged from all executions, attachments and distresses whatsoever; And that if any suit shall be depending in any court whatsoever, in which any officer or soldier so drawn out as aforesaid, shall be a party either plaintiff or defendant, the same shall be stayed and no proceedings be had or taken therein, during the time such officer or soldier shall continue in such service. Militia drawn out exempt from civil process.

**XX.** *And be it further enacted, by the authority aforesaid,* That for any message sent according to the directions of this act, either by land or water, the same allowance shall be made as is by law given for other public expresses. Pay of messengers.

**XXI.** *And be it further enacted, by the authority aforesaid,* That this act shall be published at every general muster during the continuance thereof, by order of the county lieutenant or chief officer of the militia then present, under the penalty of ten pounds for every neglect. This act to be published at every general muster.

**XXII.** *And be it further enacted,* That all the fines inflicted by this act, and not otherwise directed, shall be one half to our sovereign lord the king, for and towards supplying with arms the militia of the county to which the offender belongs, and the other half to the informer, to be recovered with costs by action of debt or information in any court of record within this dominion. Appropriation of fines.

**XXIII.** *And be it further enacted, by the authority aforesaid,* That all and every other act and acts, clause and clauses heretofore made, for or concerning any matter or thing within the purview of this act, shall Repealing clause.



be and are hereby repealed; and that this act shall commence and be in force from and after the passing thereof, for and during the term of two years.

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CHAP. V.

*An Act for establishing a trade with the Indians in alliance with his majesty.*

I. WHEREAS the establishing a trade with the Indians in alliance with his majesty, in order to supply them with goods and other necessities for their support upon reasonable terms, which in this time of open war cannot be done by private adventurers, it is judged the best method to preserve the friendship of such Indians, and to draw others off from the French interest, and it may be very beneficial to this colony to purchase from such Indians the skins and furs which they are now obliged to sell to the French, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the honorable Peter Randolph, esquire, William Randolph, Richard Bland, Archibald Cary, and Thomas Walker, gentlemen, be and they are hereby constituted and appointed trustees and directors for the better managing and carrying on such Indian trade; and the said trustees, or any three of them, are hereby authorised and impowered to act in all things relating to the said trade, and to manage, govern, direct and do what they shall judge necessary and expedient for the well ordering, conducting and carrying on the same; and shall, as soon as the same can be conveniently done, send to Great Britain for, or purchase a cargo of goods, such as may best answer the wants and occasions of the Indians, and cause or procure the goods so to be sent for or purchased to be carried with all convenient speed and safety to some fortress built or to be built for the defence of the southwestern frontiers of this colony, or to any Indian nation, town or other place they shall judge most convenient for carrying on the said trade.

Directors.

II. *And be it further enacted, by the authority afore-* May contract with factors.  
*said,* That the said trustees shall contract with some factor or factors to barter and dispose of the said goods to such Indians as shall be willing to purchase them, at such a rate of advance and under such regulations as shall be settled and made by the said trustees from time to time; and shall receive from such Indians, in exchange for the goods so to be sold them, all skins, furs and other valuable commodities which they may have to dispose of, which the said trustees shall cause to be shipped to Great-Britain, and consigned to some merchant or merchants in order to be disposed of there, and the money laid out in the purchase of another cargoe of goods for the uses aforesaid; and in such manner shall the trustees continue and carry on the said trade, at the risque and for the profit of the public, for and during five years from the passing of this act, and no longer.

III. *Provided always, and be it further enacted,* Not to send out spirituous liquors.  
*That* the said trustees shall not send out, or permit or suffer to be sent out, any rum, brandy, or other spirituous liquors to be bartered or sold to such Indians by any such factor or factors, or other persons by them employed for carrying on the said trade.

IV. *And be it further enacted, by the authority afore-* May employ interpreters.  
*said,* That it shall and may be lawful for the said trustees to employ one or more Indian interpreter or interpreters, to reside at the said fortress, for the better enabling the said factors to transact business with the Indians; and may also employ such messenger or messengers as they shall think necessary to send to any nation or tribe of Indians, to notify to them the trade hereby intended to be established with them, and the expences of such interpreters or Messengers shall be allowed the said trustees in their accounts.

V. *And be it further enacted,* Factors to give bond, &c.  
*That* the factor or factors so to be employed by the said trustees shall give bond, with good security, to the said trustees and their successors in the penalty of double the value of the goods committed to their care and management, not to trade with the said Indians on their own or any other private account, and to render a faithful account of the sale of such goods with the produce thereof, and in a just fair and mercantile method, to keep accounts of all the dealings and transactions in the said trade, and annually to deliver a fine copy of



his or their books of accounts to the said trustees, and settle the same with them; and the said factors shall be allowed such salary for their service as the said trustees shall think they deserve and contract with them for: And that a committee, to be appointed for that purpose by the house of burgesses, shall once every year inspect the accounts and proceedings of the said trustees and report the state of the same to the General Assembly.

Where any  
of the trus-  
tees die.

VI. *And be it further enacted, by the authority aforesaid,* That if any of the said trustees shall happen to die, it shall be lawful for the survivors of them to elect another fit person in the room of him so dying, who shall have the same power and authority to act in the trust aforesaid, as if he had been particularly named in this act; and that the trustees herein named with such as shall be so appointed shall be called, *The Trustees of the Indian Factory of Virginia*, and by that name and style shall have succession during the continuance of this act, and may sue and implead, be sued and impleaded in all cases relating to the said trust in all courts whatsoever, and generally do and execute all and every other matter and thing required to be done and performed by them in their trust aforesaid.

The sum to  
be appropri-  
ated.

VII. *And be it further enacted, by the authority aforesaid,* That John Robinson, esq. treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of assembly, out of the public money in his hands, shall by warrant from the governor or commander in chief of this dominion, pay to the said trustees from time to time so much money as shall be necessary for the purposes aforesaid, so as the whole money so to be paid do not exceed five thousand pounds.

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## CHAP. VI.

### *An Act for preventing fraudulent gifts of Slaves.*

I. WHEREAS many frauds have been committed by means of secret gifts made of slaves by parents and

others, whereby creditors and purchasers have been frequently involved in expensive law suits, and often deprived of their just debts and purchases to their great prejudice and injury; for prevention whereof for the future, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the passing of this act, no gift of any slave or slaves shall be good or sufficient to pass any estate in such slave or slaves, to any person or persons whatsoever, unless the same be given by will duly proved and recorded, or by deed or instrument of writing to be proved by two witnesses at the least, or acknowledged by the donor and recorded in the general court, or the court of the county where one of the party lives, within eight months after the date of such deed or writing.

Gifts must be made in writing, and recorded, &c.

II. *And be it further enacted, by the authority aforesaid,* That all gifts without deed or writing of any slave or slaves heretofore made by any person or persons now living and being in this colony, shall within eight months after the passing of this act be reduced into writing and proved by two witnesses, or acknowledged by the donor, and recorded in the general court or the court of the county where one of the parties lives: and all and every gift or gifts of any slave or slaves not made in writing and recorded according to the directions of this act, shall be void and of no effect, any law, custom, or usage, to the contrary notwithstanding.

Gifts made before this act.

III. *And be it further enacted,* That if any person or persons who before the making of this act, have made any verbal gift of any slave or slaves before evidence or evidences, and shall be unwilling or refuse to make a deed or instrument of writing, expressing such gift in order that the same may be recorded according to the directions of this act, in such case it shall and may be lawful for the donee, his agent or attorney, and if the donee shall be an infant, his guardian or next friend, to summon the evidence or evidences present at the making such gift to the court of the county where the donor shall live, of which the donor shall have ten days notice given him before the sitting of the said court, there to give testimony of such gift before such court, which testimony together with the proof of the notice given to the donor as aforesaid,

Where the donor refuses to make a deed, &c.



shall be by the order of such court recorded, and shall operate in the same manner and be as effectual to establish such gift as any deed or writing to be made and recorded as aforesaid.

Fees for recording a deed, &c.

IV. *And be it further enacted, by the authority aforesaid, That no clerk of any court within this colony, shall demand more than twenty pounds of nett tobacco for the recording of any deed or instrument of writing made in pursuance of this act.*

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## CHAP. VII.

*An Act for appointing Commissioners to examine and state the accounts for the pay and provisions for the militia of several counties.*

Commissioners to settle accounts of militia, lately in actual service.

I. WHEREAS the accounts of several persons for pay and provisions for the militia drawn out into actual service from the counties of Augusta, Bedford, Prince-Edward, Halifax, Lunenburg, and Prince-William, remain unsettled, and it will be very troublesome to the governor or commander in chief, to adjust the same, *BE it therefore enacted by the lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That Gabriel Jones, John Madison, and Thomas Lewis, Gentlemen, be, and they are hereby appointed Commissioners, to examine, state, and settle the accounts for the militia of the county of Augusta. That William Randolph, Richard Bland, and Archibald Cary, gentlemen, be, and they are hereby appointed commissioners, to examine, state, and settle the accounts for the militia of the counties of Bedford, Prince Edward, Halifax, and Lunenburg; and that Charles Carter, Esquire, John Champe, and Charles Carter, Junior, gentlemen, be, and they are hereby appointed commissioners, to examine, state and settle the accounts for the militia of the county of Prince-William: And that the said commissioners respectively, or any two of them shall and*

they are hereby impowered and required to meet for the purposes aforesaid, at such times and places, as they shall respectively think convenient, of which time and place public notice shall be advertised at the Court House of each respective county at least one month before such meeting, and may adjourn from time to time until they shall have settled all the accounts herein before directed to be settled by them respectively: And shall have power to call all persons concerned in settling the said accounts before them, and to administer an oath or oaths to any person or persons for their better information in the premisses. And that the said commissioners or any two of them shall certify the accounts so by them examined, stated and settled, to the Governor or commander in chief, for the time being. And the said commissioners are hereby directed in stating and settling the said accounts to allow no more than half pay to a captain and a lieutenant, where it shall appear their companies consisted of less than forty men, and to allow clerks and artificers employed by captains or lieutenants no more than soldiers pay, except such artificers were absolutely necessary.

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## CHAP. VIII.

*An Act for the more effectual preventing and repelling the hostile incursions of the Indians at enmity with the inhabitants of this colony.*

I. WHEREAS the act of assembly passed in the twenty-ninth year of his present majesty's reign, intituled, An Act for preventing and repelling the hostile incursions of the Indians at enmity with the inhabitants of this colony, will expire in September next, and one other act of assembly passed in the same year, intituled, An Act to amend an act, intituled, An Act for preventing and repelling the hostile incursions of the Indians at enmity with the inhabitants of this colony, which is already expired, have been found in a

Reward for  
Indians' scalps en-  
creased.

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great measure ineffectual, by reason of the small reward thereby given for prisoners and scalps, and it is necessary that a greater reward should be given for the same, *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the sum of fifteen pounds shall be paid by the treasurer of this colony out of the public money in his hands to any person or persons, party or parties, either in the pay of this colony or other the inhabitants thereof, or to any Indian or Indians, in friendship and amity with the inhabitants of this colony, for every Indian enemy by him or them taken prisoner within the limits of this colony, and the sum of ten pounds for every such enemy by him or them killed or destroyed within the limits aforesaid, at any time within the space of two years after the passing of this act. And to entitle persons to the said rewards,

How obtained.

II. *Be it further enacted, by the authority aforesaid,* That every Indian enemy so to be taken prisoner, shall be delivered to the keeper of the public goal in the city of Williamsburg, to be by him safely kept until discharged by the governor or commander in chief of this colony; and the scalp of every Indian enemy so to be killed or destroyed as aforesaid, shall be produced to the governor or commander in chief before whom the person or persons, not being an Indian or Indians, so taken prisoner, killing or destroying such Indian enemy, shall prove by affidavits or his or their oath, the time and place of his or their performing the same; and in the case of Indians, sufficient satisfaction of the time and place of the taking prisoner, killing or destroying such Indian enemy shall be given to the governor or commander in chief: And in any of the said cases the governor or commander in chief is hereby desired to issue his warrant to the treasurer, for the payment of the said rewards to the person or persons so entitled to the same.

Further reward for Indians scalps.

III. And for a further encouragement to persons to enter into and risque their lives in the service and defence of the country, *Be it enacted, by the authority aforesaid,* That for every Indian enemy so to be taken prisoner, killed or destroyed, within the time and limits aforesaid, the further reward of thirty pounds shall be allowed to the person or persons, party or parties, performing such service, which allowance to persons

in the pay of this colony, or other the inhabitants thereof, shall be made by the next succeeding session of assembly, upon a certificate of the governor or commander in chief, that sufficient proof of the performance of such service had been made before him according to the directions of this act: And where such service shall be performed by any Indian or Indians, in friendship and amity with the inhabitants of this colony, the governor or commander in chief upon sufficient satisfaction to him given according to the directions of this act of the performance of such service, is hereby desired forthwith to give orders for supplying the Indian or Indians so entitled to the said last mentioned reward with goods to be paid for by the public at the next succeeding session of assembly to the amount of the sum he or they shall be so entitled to.

IV. *Provided always*, That in case the present hostilities shall cease within the said two years, and the governor or commander in chief of this colony, by and with the advice and consent of the council, shall by proclamation signify the same, and direct the said rewards to be discontinued, then the said rewards shall immediately after publishing the said proclamation cease and be discontinued accordingly. When to  
cease.

V. And for preserving the lives and friendship of such Indians as are under the protection of, or in alliance with his majesty, *Be it further enacted, by the authority aforesaid*, That if any person or persons shall within the said two years knowingly and willingly kill or destroy any Indian in alliance, peace and friendship with his majesty, and his subjects in this colony, the person or persons so offending shall be adjudged a felon and shall suffer as in cases of felony, without benefit of clergy. Felony to  
kill friendly  
Indians.

VI. *And be further enacted, by the authority aforesaid*, That from and immediately after the passing of this act the said recited act of assembly, intituled, An Act for preventing and repelling the hostile incursions of the Indians at enmity with the inhabitants of this colony, shall be and the same is hereby repealed.



*An Act for further continuing and amending an Act, intituled, An Act for regulating the practice of Attornies.*

I. WHEREAS the act of assembly made in the twenty-second year of his present majesty's reign, intituled, An Act for regulating the practice of Attornies, which was continued and amended by an act of assembly passed in the twenty seventh year of his said majesty's reign will expire at the end of this present session of assembly, and it being necessary that the same should be further continued, with amendments, *Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That the said first recited act of assembly, intituled, An Act for regulating the Practice of Attornies, except so much thereof as relates to the restraining of Attornies practising in the general court from practising in the county courts, shall continue and be in force from and after the end of this session of assembly for and during the term of four years, and from thence to the next session of assembly.

Attornies' fees.

II. *And be it further enacted, by the authority aforesaid,* That during the continuance of the said recited act the lawyers in this colony shall not demand, nor directly or indirectly, or by any device, way, or means whatsoever, take or receive before the suit or suits they are or shall be employed in shall be finally determined any greater or other fees or rewards for the following services than what are herein particularly mentioned and expressed, that is to say: Lawyers practising in the general court may demand and receive for an opinion or advice, where no suit is or shall be brought, and prosecuted or defended by the attorney giving such advice, but not otherwise, one pound one shilling and six-pence; and in any suit at common-law, other than actions hereafter mentioned, fifty shillings: In all chancery suits, or real, mixed, or personal actions, where the title or bounds of land shall or may come in question, five pounds; and lawyers practising in the county courts or other inferior courts, for services to be by them done in such courts,

may demand for an opinion or advice, where no suit is or shall be brought, and prosecuted or defended by the attorney giving such advice, but not otherwise, ten shillings; and in any suit at common-law, other than the actions hereafter mentioned, or by petition, fifteen shillings: In all chancery suits, or real, mixed or personal actions, where the title or bounds of land shall or may come in question, thirty shillings; on a petition of a small debt seven shillings and six-pence; and any lawyer for attending a survey in the country, for every day he shall attend may demand one pound one shilling and six-pence; and every lawyer exacting, taking, receiving, or demanding any greater fee or other reward for any of the above services, before he has performed the said services or finished the said suits, shall forfeit and pay one hundred pounds for every offence, one half to our sovereign Lord the king, his heirs and successors, for and towards the better support of this government and the contingent charges thereof, and the other half to the informer, to be recovered by action of debt or information in any court of record within this colony.

III. *And be it further enacted, by the authority aforesaid,* That no lawyer, in any suit to be brought for his fees or services, shall recover more than the fees above mentioned, notwithstanding any agreement, contract, or obligation made or entered into by the party against whom such suit shall be brought.

Penalty for exceeding legal fees.

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## CHAP. X.

### *An Act for appointing several new Ferries, and for other purposes therein mentioned.*

I. *BE it enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That public ferries be constantly kept at the places hereafter named, and that the rates for passing the said ferries be as follow, that is to say: From the land of Edward Lynch, in the county of Bedford, over the Fluvanna, at the mouth of Black-Water creek, to the land

New ferries established.



of Micajah Moorman, in the county of Albemarle; the price for a man three pence, and for an horse the same: From the land of William Cabbell, in the county of Albemarle, over the upper ford of rock-fish river, to the land of Allan Howard; the price for a man two pence: And for a horse two pence: From the land of George Brett, in the county of Prince-William, over Potowmack river, to the land of Roger Chamberlayne, in the province of Maryland; the price for a man one shilling & six-pence, and for an horse the same: From the land of Josias Clapham, in the county of Fairfax, over Potowmack river, to the land on either side the Monochisey creek, in the province of Maryland; the price for a man four pence, & for an horse the same: from the land of Thomas Anderson, in the county of Lunenburg, on Roanoke river, to the land of James Mitchell, and from the land of the said Mitchell to the land of the said Anderson; the price for a man three pence, and for an horse the same; from the land of John Bryant, in the county of Albemarle, over the Rivanna river, where the main road crosses the same, to the land of Edward Pye Chamberlayne; the price for a man two pence, and for an horse the same. And for the transportation of wheel-carriages, tobacco, cattle and other beasts, the ferry-keeper may demand and take the following rates: For every coach, chariot or waggon, and the driver thereof, the same as for six horses: For every cart or four wheel-chaise, and the driver thereof, the same as for four horses: For every two wheel chaise or chair, the same as for two horses: For every hogshead of tobacco, the same as for one horse: And for every head of nett cattle, the same as for one horse: For every sheep, goat, hog and lamb, one fourth part of the ferriage of one horse, according to the prices herein before settled at such ferry respectively, and no more.

II. *And be it further enacted, by the authority aforesaid,* That from and after the passing this act it shall and may be lawful to and for the ferry-keeper at May's (now Booker's) on Staunton river, in the county of Halifax, to demand and take for the transportation of a man over the said ferry three pence, and for an horse three pence, any law, usage, or custom to the contrary in any wise notwithstanding.

III. *And be it further enacted, by the authority aforesaid,* That the act of assembly made in the twenty-

second year of his present majesty's reign, intituled, An Act for the settlement and regulation of Ferries, and for Dispatch of public Expresses, as to so much thereof as relates to the ferries thereby established from Henry Cary's land, over James river, to the land of the said Cary: From the land of colonel Richard Bland, in the county of Prince-George, to the land of Mss. Anderson, in the county of Charles-City; and from the land of William Pride, called the store landing, in the county of Henrico (now Chesterfield) to Anthony's landing, in the county of Prince-George, shall be, and the same is hereby repealed and made void.

IV. *Provided always*, That the execution of this act shall be suspended until his majesty's approbation thereof be first had and obtained.

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## CHAP. XI.

*An Act for the relief of the sufferers by Tobacco burnt in Crutchfield's and Pitt's Warehouses, and for other purposes therein mentioned.*

I. WHEREAS by an act of assembly made in the twenty-second year of the reign of his present majesty, intituled, An Act for amending the Staple of Tobacco, and preventing frauds in his majesty's Customs, it is amongst other things enacted, That when any public warehouses should be thereafter destroyed by fire the loss thereby occasioned should be defrayed by the public.

Reparation  
for tobacco  
burnt in  
Crutchfield's  
and Pitt's  
warehouses.

II. And whereas large quantities of tobacco have been lately accidentally burnt in the public warehouses at Crutchfield's, in the county of Hanover, and at Pitt's, in the county of Accomack; an account of which tobacco, with the names of the proprietors, as taken by the commissioners appointed for that purpose, is contained in a schedule hereunto annexed: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That John Ro-*



binson, esquire, treasurer, or the treasurer of this colony for the time being, appointed by or pursuant to an act of assembly, out of the public money in his hands, shall, on or before the last day of October next ensuing, pay to the sufferers respectively, with an interest of five per centum per annum from the time of passing this act, according to the several quantities by them lost, as mentioned in the said schedule, after the rates following, that is to say: For the crop tobacco passed at Crutchfield's warehouse twenty shillings per centum: For the transfer tobacco passed at the said warehouse two pence per pound; and for tobacco refused at the said warehouse and put by to be picked twelve shillings and six-pence per centum. And for the crop tobacco passed at Pitt's warehouse thirteen shillings and six-pence per centum; For the transfer tobacco passed at the said warehouse twelve shillings per centum: For tobacco viewed and put by to be picked eight shillings per centum; and for the tobacco burnt at the said warehouse before it was inspected nine shillings per centum.

III. And whereas some of the sufferers by tobacco burnt in Bolling's-Point warehouse, in the county of Dinwiddie, were omitted to be mentioned in the memorial of the inspectors, and therefore not reimbursed for such their losses under the former acts of assembly: *Be it further enacted, by the authority aforesaid,* That the said treasurer, out of the public money in his hands, shall, on or before the said last day of October next ensuing, pay to the said sufferers, with an interest of five per centum per annum, from the ninth day of July, one thousand seven hundred and fifty five, according to the rates and for the quantities following, that is to say: To Thomas Tabb for one thousand and twelve pounds of tobacco, and Alexander Mackie for nine hundred and thirty-nine pounds of tobacco, at fourteen shillings per centum each: To Theophilus Field for one thousand and thirty-nine pounds of tobacco, at fifteen shillings per centum: To Lewis Burwell for three thousand pounds of tobacco, and the executors of Armistead Burwell, deceased, for two thousand pounds of tobacco, at twelve shillings and six-pence per centum.

*A SCHEDULE of Tobacco burnt at Crutchfield's  
and Pitt's Warehouses, to which this Act refers.*

**CRUTCHFIELD'S WAREHOUSE.**

*CROP TOBACCO PASSED.*

<i>Owners Names.</i>	<i>Marks.</i>	<i>Numbers.</i>	<i>Net. quan.</i>
Francis Jerdone,	TG*	74	950
do.	—	21	950
do.	—	47	890
do.	—	72	929
Samuel Gist,	WR* C	3	834
do.	TW	1	1000
John Russell,	wSIL*	3	906
Thomas Tinsley, jun.	TAT*	6	352
William Clark,	WLC*	5	598
James Lewis,	LP*	1	454
Robert Donald,	TG*	75	950
Benjamin Timberlake,			826
Harden Burnley,			958
do.			959
David Meriwether,	TG*	71	959

*Crop Tobacco refused and not picked.*

Drury Pulliam,	One Hogshead	620
Lewis Thomas,	One do.	450
Alexander Reid,	One do.	1000
James Hooper,	One do.	350
James Grantland,	One do.	710
Andrew Manner,	Two do.	1800



## TRANSFER TOBACCO.

<i>Owners Names.</i>	<i>Quantity.</i>
William Spiller,	347
William Taylor,	190
Francis Jerdone,	430
John Snelson,	124
David Crafford,	442
Samuel Gist,	818
Harry Tomkins,	63
Thomas Tinsley, jun.	232
James Lewis and Lucy his wife,	601
Robert Donald,	410
Charles Smith,	158
Francis Jerdone,	728
Samuel Gist,	173
Harry Tomkins,	209
Rachael King,	760
Christopher Tomkins,	400
Bowler Cocke,	515
John Syme,	400
Thomas Tinsley,	164
Humphry Bell,	611
Benjamin Brown,	185
James Bunch,	315

## PITT'S WAREHOUSE.

## CROP TOBACCO PASSED.

<i>Owners Names.</i>	<i>Marks.</i>	<i>Numbers.</i>	<i>Nett quan.</i>
Edward Kerr,	AP*	1	960
do.	CC	7	1022
do.	GT	1	1015
do.	B	8	958
do.	WC	1	978
Bowdoin Robins	BR	1	979
Jamas Scott and	} GD	1	1074
Archibald White,		2	983
do.		1	950
do.		2	955
do.		3	951
do.		4	954
do.		5	952
do.		6	950
do.	ST	1	985
Edward Kerr, for Transfer Tobacco made Crop,			8780

## TRANSFER TOBACCO.

<i>Owners Names.</i>	<i>Quantity.</i>
Thomas Milman,	45
Catherine Pitts,	102
Francis Welburne,	220
Accomack County,	1881
Robert Pitt's Executors,	2267
Ephraim Waggaman,	28
Joseph Goutee,	846
James Parker,	1006
Edward Thornton,	28
Thomas Bevans,	57
Isaac Hill,	251
Bartholomew Scot,	46
John Townshend,	14
Covengton Corbin,	967
William Cord,	235
James Scot and Archibald White,	304

*Tobacco Inspected and not Picked.*

Daniel Mifflin,            5 Hogsheads,            Quantity 4300.

*Uninspected Tobacco.*

Henry Crosby,	150
Obediah Thornman,	80
Bartholomew Scot,	20

[*Note.*—Where the Asterism \* is prefixed, the Letters should be in a Piece.]



## CHAP. XII.

*An Act to explain an Act, intituled, Vestries appointed.*

Recital of  
act 13 Car.  
II.

I. WHEREAS by an act of the General Assembly made in the thirteenth year of the reign of his majesty king Charles the second, intituled, Vestries appointed, it is enacted, That twelve of the most able men of each parish be by the major part of the said parish chosen to be a vestry, out of which number the minister and vestry to make choice of two churchwardens yearly, as also in case of the death of any vestryman, or his departure out of the parish, that the said minister and vestry make choice of another to supply his room.

Vestrymen  
may resign.  
Vacancy,  
how suppli-  
ed.

II. And whereas it is doubted whether any vestryman chosen pursuant to the said act can resign his office; for explaining whereof, *Be it enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That it shall and may be lawful to and for any vestryman to resign his place in the vestry, and for the remaining vestryman to elect and choose another vestryman in the room of such vestryman so resigning, and that every vestryman hereafter to be elected, instead of the oaths appointed to be taken by the said act shall before he be admitted to act as a vestryman, take the oaths appointed by act of parliament to be taken, instead of the oaths of allegiance and supremacy, and take and subscribe the oath appointed to be taken by an act of parliament made in the first year of the reign of his late majesty's king George the first, intituled, *An Act for the further security of his majesty's person and government, and the succession to the crown in the heirs of the late Princess Sophia, being protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors, and repeat and subscribe the test in the court of the county where he shall reside, and shall also subscribe in vestry to be conformable to the doctrine and discipline of the Church of England, any thing in the said before mentioned act to the contrary in any wise notwithstanding.*

Oaths.

## CHAP. XIII.

*An Act for further continuing certain Acts of Assembly therein mentioned.*

I. WHEREAS by an act of assembly made in the twenty-seventh year of his present majesty's reign, intituled, An Act for further continuing certain acts of assembly therein mentioned, the duties of two pence per gallon upon rum, brandy, distilled spirits and wine, and one penny upon cyder, beer, or ale, and an additional duty of one penny per gallon upon rum, brandy, spirits and wine, were continued for three years, which will expire on the tenth day of June, one thousand seven hundred and fifty eight, and the public debts making it necessary that the said duties should be further continued: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said duties of two pence per gallon upon rum, brandy, spirits and wine, and one penny upon cyder, beer or ale, and the said additional duty of one penny per gallon upon rum, brandy, spirits and wine, shall remain and continue to be raised, levied, collected, paid and applied, in the same manner and to the uses, intents and purposes, as by the herein before recited act of assembly is directed, from and after the expiration thereof as aforesaid, for and during the term of three years from thence next following and no longer.

Acts impos-  
ing duties on  
liquors fur-  
ther continu-  
ed.

II. *And be it further enacted, by the authority aforesaid,* That one other duty of one penny per gallon upon rum, brandy and other distilled spirits, and wine, imported or brought into this colony, laid by an act of assembly, passed in the nineteenth year of his present majesty's reign, intituled, An Act for reducing the Laws made for laying a Duty on Liquors into one act of assembly, and appropriated to the use of the College of William and Mary, for and during the term of eleven years, which will expire on the tenth day of June, one thousand seven hundred and fifty eight, shall remain and continue to be raised, levied, collected, paid and applied, in the same manner, and to the use, intent and purpose, as by the said last recited act is di-

Other duties,  
for benefit of  
William and  
Mary col-  
lege continu-  
ed.



rected, from and after the expiration thereof as aforesaid, for and during the term of three years, from thence next following, and no longer.

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#### CHAP. XIV.

*An Act for continuing the Act, intituled, An Act for laying an additional Duty on Rum, and other distilled Spirits, not being of the Produce of His Majesty's Sugar Islands.*

I. WHEREAS by one act of assembly made in the twenty-eight year of his present majesty's reign, intituled, An Act for laying an additional Duty on Rum, and other distilled Spirits, not being of the produce of his majesty's sugar islands, an additional duty of four pence per gallon was laid on all such liquors imported into this colony by land or water. from any port or place whatsoever, except directly from Great-Britain, or some of his majesty's sugar colonies which will expire on the first day of August, one thousand seven hundred and fifty eight, and it being found necessary that the same should be further continued: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited act shall continue and be in force from and after the expiration thereof, for and during the term of three years from thence next following, and no longer.*

Act laying  
additional  
duty on spi-  
rits continu-  
ed.

## CHAP. XV.

*An Act for paying the Burgesses wages in money for this present Session of Assembly.*

I. WHEREAS by an act of assembly, made in the fourth year of the reign of her late majesty queen Anne, Recital of act of Anne. intituled, An Act for regulating the election of Burgesses, for settling their privileges, and ascertaining their allowance, it is amongst other things enacted, That the allowance for burgesses attending the general assembly should be as followeth, that is to say: For every burgess coming by land one hundred and thirty pounds of tobacco, and cask, a day, besides the necessary charge of ferriage; and for every burgess who could not come to the general assembly otherwise than by water one hundred and twenty pounds of tobacco, and cask, a day, to be paid them by the county for which they serve respectively, besides an allowance for divers days of travelling to and from the general assembly, as in the said act is particularly mentioned. And whereas by one other act of assembly, made in the third and fourth years of the reign of his present majesty, intituled, An Act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, That when any session of assembly should be thereafter held, and upon examination of the treasurer's accounts, it should appear that there are monies sufficient in his hands to discharge all the debts due from the public, together with the burgesses wages, and the salaries and allowances to the respective officers of the general assembly, leaving and reserving in the hands of the said treasurer, over and above the said payments, a balance of one thousand five hundred pounds at the least; then every burgess elected and serving for any county or corporation shall be paid out of the public money the sum of ten shillings for each day he should serve in the house of burgesses, and for the days of coming to and returning from the general assembly according to the first recited act, in lieu of all other demands for that service, with further allowance to the burgesses for Accomack and Northampton, and others coming to the general assembly by water, as in the said act is particularly directed.



Burgesses' wages when payable.

II. And whereas by reason of the many large demands upon the treasury there is not sufficient in the hands of the treasurer, at this time, to pay the wages of the burgesses, for this present session, in money, according to the letter of the last recited act; but as much as the payment of the said wages in money for this present session of assembly will be a great ease to the people, and enable them to pay the taxes necessary for carrying on the present war: *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the burgesses wages for this present session of assembly, shall be paid by the treasurer on the thirtieth day of April next, out of the public monies in his hands, according to the directions and regulations in the said last recited act mentioned, any thing in the said act to the contrary thereof in any wise notwithstanding.

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## CHAP. XVI.

*An Act to enlarge the power of the Corporations of the City of Williamsburg and Borough of Norfolk, and for other purposes therein mentioned.*

Recital of charter of city of Williamsburg.

I. WHEREAS his late majesty, king George the first, of blessed memory, by his royal charter, bearing date under the seal of this colony, the twenty-eighth day of July, in the eighth year of his reign, was graciously pleased to grant to the inhabitants of Williamsburg that the same should be a city incorporate, consisting of a mayor, recorder, six aldermen, and twelve common council men; and was further pleased (amongst other things) to give and grant to the said mayor, recorder, aldermen, and common council men of the said city, and to their successors for ever, full and free power and authority to have, hold, and keep two markets weekly, in some convenient place in the said city, to be by them appointed, that is to say, on every Wed-

nesday and every Saturday in the week; and by a charter passed under the great seal of this colony, bearing date at Williamsburg, the fifteenth day of September, in the tenth year of his present majesty's reign, the town of Norfolk is erected into a borough, by the name of the borough of Norfolk, and the inhabitants thereof are made a body corporate, consisting of a mayor, recorder, eight aldermen, and sixteen common council men, with capacity (amongst other things) to hold and keep three markets weekly, that is to say, on Tuesday, Thursday, and Saturday, in every week. And whereas it hath been found very inconvenient for the inhabitants of the said city and borough not to hold a market oftener; and application hath been made to the honorable Robert Dinwiddie, esquire, his majesty's lieutenant-governor and commander in chief of this colony, for leave to pass an act, To enlarge the power of the Corporations of the said City and Borough, with respect to their markets, and he hath been pleased to give his consent thereto: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That it shall and may be lawful to and for the mayor, recorder, aldermen, and common council men of the said city and borough, respectively, and their successors, to appoint such days for holding a market in the said city and borough in every week as they shall think proper, and to set such toll on all such cattle, goods, wares and merchandizes, and other commodities as shall be sold in the said markets, as they shall think reasonable, not exceeding the several sums mentioned in the said charters. Of borough  
of Norfolk.

II. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful to and for the mayor, recorder, aldermen, and common council men of the said city and borough respectively, or the major part of them in common council assembled, to levy and assess by the poll, on the tithable persons inhabiting within the said city and borough, all such sum and sums of money as shall be necessary for building a house or houses, and providing all things necessary for holding a market within the said city and borough, respectively, if their chamber be deficient, and to appoint a collector of the same; and if any person or persons shall neglect or refuse to satisfy or pay the mo

Market days

Market  
House.



ney so on him, her, or them levied and assessed, according to the time appointed for payment thereof, it shall and may be lawful to and for such collector, by warrant from under the hand of any magistrate of the said city or borough, respectively, to levy the money so due by distress and sale of the delinquents goods, in the same manner as for non-payment of public and county levies in this colony.

Boundaries  
of Norfolk,  
how esta-  
blished.

III. And for ascertaining the bounds of the said borough, *Be it enacted*, That the mayor, recorder, and aldermen of the said borough, for the time being, be, and they, or any four of them, whereof the mayor shall be one, are hereby impowered to order and direct a compleat survey to be made of the streets and lots within the said borough, and a plan thereof to be drawn, which shall be recorded in the court of the said borough, and that the charge thereof be paid by the freeholders of the said borough, and levied and assessed on them in the manner herein before directed.

Streets and  
landings in  
York, how  
repaired.

IV. And whereas the streets and landings in the town of York are in so ruinous a condition that they cannot be repaired in the ordinary method by the surveyor and his hands without a considerable expence, it being necessary in some places to widen and support them with a brick wall from being washed away by the hasty showers of rain, *Be it further enacted, by the authority aforesaid*, That the justices of the county of York shall be, and they are hereby impowered and required, some time before the first day of August next ensuing, to levy so much money upon the inhabitants of the said town and owners of the lots there as shall be sufficient for repairing, widening and maintaining the said streets and landings, and to rate and assess the same upon the said inhabitants and owners in such proportion as they shall think proper, having regard to the value of the lots without the improvements; and in case any person shall refuse to pay such assessment to cause the same to be levied on the estate of the person so refusing; and where any such inhabitant is tenant to another person the landlord shall allow such assessment out of the next year's rent; and the money so to be levied shall be paid to William Nelson, Thomas Nelson, Dudley Digges, John Norton, and Edward Ambler, or any three of them, who are hereby impowered and required to apply the same towards the repairing, widening and maintaining the streets and landings of the said town.

V. And whereas it hath been represented to this assembly, that Gwyn Read, gentleman, did formerly lay out a parcel of his lands in the county of York, contiguous to the said town of York, into lots, and the purchasers of part of the said lots have made considerable improvements thereon, and are desirous that the said lots may be taken into the limits of the said town, and that they may enjoy all the privileges of the freeholders and inhabitants thereof: *Be it enacted, by the authority aforesaid,* That the lands laid out as aforesaid, by the said Gwyn Read, into lots, adjoining the said town, which have been, or shall be hereafter built upon, and saved according to the rules and regulations required for saving lots in the said town, shall be added to and made part of the said town, and the freeholders and inhabitants thereof shall then be entitled to, and have and enjoy all the rights and privileges, and immunities granted to or enjoyed by the freeholders and inhabitants of the said town: And the inhabitants and owners of the said lots already built upon shall and may be assessed for and towards the repairing, widening and maintaining the streets and landings in the said town, in like manner and proportion and under such regulations as are herein before mentioned.

Certain lots  
of Gwyn  
Read added  
to town of  
York.

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## CHAP. XVII.

### *An Act for raising a Public Levy.*

I. *BE it enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly,* and it is hereby enacted, by the authority of the same, That ten pounds of tobacco be paid for every tithable person within this dominion, for the defraying and payment of the public charge of the country, being the public levy from the first day of May, one thousand seven hundred and fifty five, to the fourteenth day of April, one thousand seven hundred and fifty seven, and that it be paid by the collectors of the several counties, to the several persons and counties respectively, to whom it is proportioned by this general assembly: And if it

Taxes for  
1757.



shall happen that there shall be more tithables in any county than the present levy is laid on, then such county shall have credit for so much to the use of the county; and if fewer tithables in any county, then such county shall bear the loss.

II. *Provided always*, That where any allowance is made in the book of proportions to any county to be paid in the same county, no more per poll shall be collected from the tithables of such county than will discharge the balance, after such allowance shall be deducted, and that every county court shall regulate the levy accordingly.

III. *And be it further enacted, by the authority aforesaid*, That the sheriff of every county shall at the time of giving bond for the due collection and payment of the next county levy, also give bond and security for the due collection and payment of the public levy now laid and assessed.

Sheriffs to  
set up lists  
of taxes and  
levies.

IV. And whereas great inconveniences do arise to the inhabitants of this colony; through their want of knowing the particular taxes and levies, which they are by law obliged to pay, and the more ignorant are liable to be imposed upon by the sheriffs who collect the said taxes and levies; for remedy whereof, *Be it further enacted*, That the sheriffs of the several counties within this dominion, shall and they are hereby required to set up in some public place in their respective court houses on the court days in the months of March, April. and May annually, a list of the several taxes and levies, which they are to collect and receive from the inhabitants of their said counties respectively; and if any sheriff shall neglect to set up such list as aforesaid, he shall forfeit and pay fifty pounds for every such failure, one moiety whereof shall be to our sovereign lord the king for the public use, to be paid to the treasurer of this colony for the time being, and the other moiety to the informer, to be recovered by action of debt in any court of record within this dominion,

## CHAP. XVIII.

*An Act for dividing the Parish of Saint Anne, in the County of Albemarle.*

I. WHEREAS the parish of Saint Anne, in the county of Albemarle, by reason of the great extent thereof, is very inconvenient to the inhabitants: *Be it therefore enacted, by the Lieutenant-Governor Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the twentieth day of July next all that part of the said parish of Saint Anne which lies on the north side of the Rivanna River, and above, a north-east line to be drawn from King's Ford to the line of Fredericksville parish, and from the said Ford up the said river to the Secretary's Ford, and from thence by the main road leading to Wood's Gap, in the Great Mountains, be added to the said parish of Fredericksville and made part thereof.

Part of St. Anne's parish in Albemarle added to Fredericksville.

II. *And be it further enacted, by the authority aforesaid,* That from and after the said twentieth day of July, the remaining part of the said parish of Saint Anne be divided into two distinct parishes, that is to say: All that part thereof lying on the north side the Fluvanna River, including all the islands in the said river, shall be one distinct parish, and retain the name of St. Anne: And all that other part thereof, lying on the south side of the said river, shall be one other distinct parish, and called and known by the name of Tillotson.

Remaining part divided

Parish of Tillotson formed.

III. *And be it further enacted, by the authority aforesaid,* That the freeholders and housekeepers of the said parishes of Saint Anne and Tillotson, respectively, shall meet at some convenient time and place to be appointed, and publicly advertised by the sheriff of the said county of Albemarle, at least one month before the first day of October next following, and then and there elect twelve of the most able and discreet persons of their respective parishes to be vestrymen thereof, which vestrymen so elected, having, in the court of the said county, taken and subscribed the oaths appointed to be taken instead of the oaths of allegiance and supremacy, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and



also subscribed to be conformable to the doctrine and discipline of the church of England, shall to all intents and purposes be deemed and taken to be the vestries of the said parishes respectively.

IV. *Provided always*, That nothing herein contained shall be construed to hinder the collector or collectors of the said parish of Saint Anne, as the same now stands entire and undivided, from collecting and making distress for any parish levies which shall remain unpaid by the inhabitants of that part of the said parish of Saint Anne hereby added to the parish of Fredericksville, or by the inhabitants of the said parish of Tillotson, at the time the said division shall take place, but such collector or collectors shall have the same power to collect and distrain for the said levies, and shall be answerable for them in the same manner as if this act had never been made, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

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## CHAP. XIX.

*An Act to empower the Vestry of the Parish of Saint George, in the County of Spotsylvania, to sell their Glebe, and for other purposes therein mentioned.*

Vestry of St. George's parish in Spotsylvania, authorised to sell their glebe.

I. WHEREAS the glebe land of the parish of Saint George, in the county of Spotsylvania, is inconveniently situated, and the houses thereon much out of repair; and the minister, church-wardens, and vestry of the said parish have petitioned this present general assembly for leave to sell the same and purchase a more convenient glebe: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same*, That the said glebe land, with the appurtenances, be, and the same is hereby vested in the present vestry of the said parish, and in the vestry of the said parish for the time being, in trust: Nevertheless, That the said vestry, or the greater part

of them, shall, by deed or deeds of bargain and sale, sell and convey the said glebe land, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same, to hold to such purchaser or purchasers, his and their heirs and assigns, for ever.

II. *And be it further enacted, by the authority aforesaid,* That the money arising by the sale of the said glebe land shall, by the said vestry, be laid out and applied for and towards purchasing a more convenient glebe, and erecting buildings thereon, for the use and benefit of the minister of the said parish of Saint George, for the time being, for ever.

III. And whereas it hath been represented to this general assembly, that a piece of land belonging to the parish of Bristol, before the division thereof, and now lying in the parish of Dale, in the county of Chesterfield, is too small and inconveniently situated for a glebe for the use of the minister of the said parish of Dale; and that it is reasonable that the said land should be sold, and the money arising from the sale thereof equally divided between the said parishes of Bristol and Dale, to be laid out in improvements on the respective glebes of the said parishes: *Be it therefore enacted, by the authority aforesaid,* That the said piece of land, with the appurtenances, be, and the same is hereby vested in the present vestry of the said parish of Dale, and in the vestry of the said parish for the time being, in trust: *Nevertheless,* That the said vestry, or the greater part of them, shall, by deed or deeds of bargain and sale, sell and convey the said piece of land, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same; to hold to such purchaser or purchaser, his and their heirs and assigns, for ever.

A piece of land belonging to parish of Bristol, before the division, and now in parish of Dale in Chesterfield to be sold, and money divided.

IV. *And be it further enacted, by the authority aforesaid,* That the vestry of the said parish of Dale, after they have received the purchase money for which the said piece of land shall be sold, shall pay one moiety thereof to the vestry of the parish of Bristol for the use of the said parish.



## CHAP. XX.

*An Act for dissolving the Vestry of the Parish of Dettengen, in the County of Prince-William, and for other purposes therein mentioned.*

Vestry of  
Dettengen  
parish in  
Prince-Wil-  
liam dissolv-  
ed.

I. WHEREAS the vestry of the parish of Dettengen, in the county of Prince-William, have been guilty of many illegal practices, very oppressive to the inhabitants of the said parish who have petitioned this present general assembly that the said vestry may be dissolved: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the aforesaid vestry be, and it is hereby dissolved; and that all and every act and acts, thing and things, which at any time hereafter shall or may be done, performed, or suffered by the said vestry of the said parish shall be absolutely void and of none effect.

II. *And be it further enacted, by the authority aforesaid,* That the freeholders and house-keepers of the said parish shall meet at some convenient time and place, to be appointed and publicly advertised by the sheriff of the said county, at least one month before the last day of July next, and then and there elect twelve of the most able and discreet persons of the said parish to be vestrymen thereof; which said vestrymen, so elected, by virtue of this act, having, in the court of the said county of Prince-William, taken the oaths mentioned and required to be taken by an act of parliament, made in the first year of the reign of his late majesty king George, the first, intituled, An Act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late Princess Sophia (being Protestants) and for extinguishing the hopes of the pretended Prince of Wales, his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be the vestrymen of the said parish; and

upon the death, removal, or resignation of any of the said vestrymen, the remaining vestrymen shall be, and they are hereby empowered to chuse and elect another vestryman in the room of such vestryman so dying, removing, or resigning.

III. And whereas two actions are now depending in the general court of this colony, commenced by the church-wardens of the said parish of Dettengen, against certain persons who contracted with the vestry of the said parish to erect their public buildings: *Be it enacted*, That such actions, and every of them, shall and may be prosecuted and continued to judgement and execution in the same manner as if this act had never been made; and the money recovered in any such action shall, by the plaintiff or plaintiffs, be paid to the church-wardens of the said parish, for the time being, for the use of the said parish. And in case any person or persons, plaintiffs in any such action, shall neglect or refuse to pay the money by them recovered to the church-wardens of the said parish, for the time being, as aforesaid, it shall and may be lawful for such church-wardens to commence and prosecute an action or actions upon the case for the recovery thereof against every such person, his or their executors or administrators, and to declare for so much money received to the use of such church-wardens.

IV. And whereas James Jouslin, formerly of the county of Princess Anne, by his last will and testament, in writing, bearing date the eighth day of January, in the year of our Lord one thousand six hundred and ninety four-five, did give and devise a certain tract or parcel of land, lying and being in the parish of Lynhaven, in the said county of Princess-Anne, unto his son Richard Jouslin and his wife Elizabeth Jouslin, to be equally divided between them during their natural lives, and after his wife's decease to his said son and his heirs for ever; but in case his said son should die without heirs lawfully begotten, then to the poor orphans of the said parish, towards their maintenance and education, and never to be sold by his said son to any person whatsoever. And whereas the said Elizabeth is since dead, and also the said Richard Jouslin the son, without any issue lawfully begotten of his body. And whereas the said tract or parcel of land is poor, and inconveniently situated, and of little advantage to the poor orphans of the said coun-

Certain lands in Lynhaven parish, in Princess Anne, devised by James Jouslin to the poor orphans of the parish, authorised to be sold.



ty; and it would be more advantageous to them if the said tract or parcel of land was sold, and the money arising by the sale thereof laid out in the purchase of a more convenient tract or parcel of land, and in making necessary buildings thereon: *Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That all and singular the tract or parcel of land aforesaid, with the appurtenances, be, and the same are hereby vested in the present vestry of the said parish of Lynhaven, in the said county of Princess-Anne, and in the vestry of the said parish for the time being, in trust: *Nevertheless,* that the said vestry, or the greater part of them, shall, by deed or deeds of bargain and sale, duly executed, convey all and singular the said tract or parcel of land to such person or persons as shall be willing to purchase the same; to hold to such purchaser or purchasers, his and their heirs and assigns, for ever; and that the money arising by the sale of the said land shall be by them applied for and towards purchasing a more convenient tract or parcel of land, and in making and building such houses and improvements thereon as shall be necessary for the purposes mentioned in the said last will and testament of the said James Jouslin.

V. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors (other than the persons claiming under the last will and testament of the said James Jouslin, deceased) all such estate, right, title, interest, property, claim and demand whatsoever, as they, every, or any of them, should, or might have had, or claimed, if this act had never been made.

## CHAP. XXI.

*An Act to enable the Vestry of the Parish of Stratton-Major, in the County of King and Queen, to sell their Glebe, and for other purposes therein mentioned.*

I. WHEREAS the glebe of the parish of Stratton-Major, in the county of King and Queen, is inconveniently situated, and the minister and vestry of the said parish have petitioned this present general assembly that an act may pass to enable them to sell the said glebe, and to lay out the money arising from such sale in purchasing other land for a glebe, and erecting convenient buildings thereon: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said glebe land, with the appurtenances, be, and the same is hereby vested in the present vestry of the said parish of Stratton-Major, and in the vestry of the said parish for the time being, in trust: Nevertheless, that the said vestry, or the greater part of them, shall, by deed of bargain and sale, sell and convey the said glebe, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same; to hold to such purchaser or purchasers; his and their heirs and assigns, for ever.*

Vestry of Stratton-Major parish in King and Queen authorised to sell their glebe.

II. *And be it further enacted, by the authority aforesaid, That the money arising by the sale of the said glebe, shall be by the said vestry laid out and applied for and towards purchasing a more convenient tract or parcel of land for a glebe, and erecting buildings thereon, for the use and benefit of the minister of the said parish of Stratton-Major, for the time being, for ever.*



## CHAP. XXII.

*An Act for dividing the County of Fairfax.*

Fairfax county divided.

Loudoun county formed.

I. WHEREAS many inconveniencies attend the upper inhabitants of the county of Fairfax, by reason of the large extent of the said county, and their remote situation from the court house, and the said inhabitants have petitioned this present general assembly that the said county may be divided: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the first day of July next ensuing the said county of Fairfax be divided into two counties, that is to say: All that part thereof, lying above Difficult run, which falls into Patowmack river, and by a line to be run from the head of the said run, a straight course, to the mouth of Rocky run, shall be one distinct county, and called and known by the name of Loudoun: And all that part thereof below the said run and course, shall be one other distinct county, and retain the name of Fairfax.

Court days.

II. And for the due administration of justice in the said county of Loudoun, after the same shall take place: *Be it further enacted, by the authority aforesaid,* That after the first day of July a court for the said county of Loudoun be constantly held by the justices thereof, upon the second Tuesday in every month, in such manner as by the laws of this colony is provided, and shall be by their commission directed.

III. *Provided always,* That nothing herein contained shall be construed to hinder the sheriff or collector of the said county of Fairfax, as the same now stands entire and undivided, from collecting and making distress for any public dues, or officers fees, which shall remain unpaid by the inhabitants of the said county of Loudoun at the time of its taking place; but such sheriff or collector shall have the same power to collect or distrain for such dues and fees, and shall be answerable for them in the same manner as if this act had never been made, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

IV. *And be it further enacted, by the authority afore-said,* That the court of the said county of Fairfax shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them at the time the said division shall take place; and shall and may try and determine all such actions and suits, and issue process and award execution in any such action or suit in the same manner as if this act had never been made, any law, usage, or custom to the contrary in any wise notwithstanding.

V. *And be it further enacted, by the authority afore-said,* That out of every hundred pounds of tobacco, paid in discharge of quit rents, secretary's, clerk's, sheriff's, surveyors, or other officers fees, and so proportionably for a greater or lesser quantity, there shall be made the following abatements or allowances to the payer, that is to say: For tobacco due in the county of Fairfax ten pounds of tobacco, and for tobacco due in the county of Loudoun twenty pounds of tobacco; and that so much of the act of assembly, intituled, *An Act for amending the Staple of Tobacco, and preventing frauds in his majesty's customs, as relates to any thing within the purview of this act, shall be, and is hereby repealed and made void.*

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## CHAP. XXIII.

### *An Act for dividing the Parish of Cumberland, in the County of Lunenburg.*

I. WHEREAS the parish of Cumberland, in the county of Lunenburg, by reason of the great extent thereof, is very inconvenient to the inhabitants: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the first day of July next the said parish of Cumberland be divided, by a streight line to be run from Colonel Byrd's mill, on Roanoke river, to the head of Nottoway river; and that all that part of the said parish of Cumberland; which lies below the said

Cumberland  
parish, in  
Lunenburg  
divided.



Cornwall parish formed.

bounds shall be one distinct parish, and retain the name of Cumberland, and all that part thereof which lies above the said bounds shall be one other distinct parish, and called by the name of Cornwall.

II. *And be it further enacted, by the authority aforesaid,* That the freeholders and house-keepers of the said parishes of Cumberland and Cornwall, respectively, shall meet at some convenient time and place, to be appointed and publicly advertised by the sheriff of the said county of Lunenburg, at least one month before the tenth day of September next, and then and there elect twelve of the most able and discreet persons of their respective parishes for vestrymen in each of the said parishes; which vestrymen, so elected, having, in the court of the said county of Lunenburg, taken and subscribed the oaths appointed to be taken by one act of parliament, made in the first year of the reign of his late majesty king George the first, intituled, An Act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late Princess Sophia (being protestants) and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be the vestries of the said parishes, respectively.

III. *Provided always,* That nothing herein contained shall be construed to hinder the collector or collectors of the said parish of Cumberland, as the same now stands entire and undivided, from collecting or making distress for any parish levies which shall remain unpaid by the inhabitants of the said parish of Cornwall at the time the said division shall take place, but such collector or collectors shall have the same power to collect and distrain for the said levies, and shall be answerable for the same in the same manner as if this act had never been made, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

## CHAP. XXIV.

*An Act to impower the Vestry of the Parish of Overwharton, in the County of Stafford, to levy for Mourning Richards a reasonable satisfaction for rebuilding a Church at Acquia.*

I. WHEREAS Mourning Richards, in the year one thousand seven hundred and fifty one, contracted with the vestry of the parish of Overwharton, in the county of Stafford, to build a large brick church at the head of Acquia creek in the said parish, for the consideration of one hundred and ten thousand nine hundred pounds of tobacco to be paid in four years, and afterwards agreed to make several alterations and additions to the plan first proposed, for the further consideration of twenty thousand pounds of tobacco, and had almost finished the same, when in the year one thousand seven hundred and fifty five it was accidentally burnt down, and the said Mourning Richards hath since rebuilt the same in a neat, workman-like manner.

Vestry of Overwharton parish, in Stafford, authorised to levy a sum of money for Mourning Richards, for re-building a church at Acquia, which had been burnt down.

II. And whereas the parishioners of the said parish are willing to pay the said Mourning Richards a reasonable satisfaction for the expence and trouble he hath been put to in rebuilding the said church, and are desirous that an act may pass to enable the vestry of the said parish to raise the same: *Be it therefore enacted, by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the vestry of the said parish of Overwharton shall and may, and they are hereby impowered and required to levy on the inhabitants of the said parish, for the use of the said Mourning Richards, in one or more years, and in such proportion as they shall judge least burthensome to the said inhabitants, so much money or tobacco as they shall think a reasonable satisfaction for rebuilding the said church.*



## CHAP. XXV.

*An Act to empower the Justices of the County of Norfolk to agree with persons to keep certain Ferries, and to levy the expence thereof upon the inhabitants of the said County.*

Public ferries in Norfolk, to be supported at charge of county.

I. WHEREAS it hath been represented to this present general assembly, by the inhabitants of the county and borough of Norfolk, that on the branches of Elizabeth river, and on Tanner's creek in the said county, there are five public ferries, over one of which most of the said inhabitants are obliged to pass in order to go to church, court, and general musters, and that by the expence of ferriage many poor people are prevented from bringing their small wares and commodities to the market of the said borough: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the justices of the court of the said county of Norfolk, for the time being, be, and they are hereby empowered and required to appoint, contract, and agree with proper persons to keep the said ferries, and to levy the expence thereof upon the tithable inhabitants of the said county annually at the laying the county levy.*

Duty of keepers.

II. *And be it further enacted, by the authority aforesaid. That every person so appointed to keep the said ferries shall constantly keep such boats and hands as the said court shall, from time to time, order and direct to be kept at the said ferries, respectively, and shall give immediate passage over the said ferries to all the inhabitants of the said county without any fee or reward.*

Who to pay ferriage, who not.

III. *Provided always, and it is hereby enacted, That such ferry-keepers shall and may demand and receive from persons, not being inhabitants of the said county of Norfolk, the following rates, that is to say: For a man four pence, and for an horse the same, for every coach, chariot, or waggon, and the driver thereof, the same as for six horses: For every cart or four wheel chaise, and the driver thereof, as for four horses: For every two wheel chair or chaise the same as*

for two horses. For every hogshead of tobacco as for one horse: For every head of nett cattle as for one horse: For every sheep, goat, or lamb, one fifth part of the ferriage of one horse; and for every hog one fourth part of the ferriage of one horse, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

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CHAP. XXVI.

*An Act for dissolving the Vestry of the parish of Saint Paul, in the County of Stafford.*

**I. WHEREAS** several of the vestrymen of the parish of Saint Paul, in the county of Stafford, by reason of their great age and infirmities, are unable to attend at vestries, and several illegal things have been transacted by the majority of the said vestry, to the oppression of the inhabitants of the said parish, who have petitioned this present general assembly that the said vestry may be dissolved: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said vestry of the said parish of Saint Paul, in the said county of Stafford, be, and the same is hereby dissolved; and that all and every act and acts, thing and things which at any time hereafter shall or may be done, performed, or suffered by the said vestry of the said parish shall be absolutely void and of none effect.

**II.** *And be it further enacted, by the authority aforesaid,* That the freeholders and house keepers of the said parish shall meet at some convenient time and place, to be appointed and publicly advertised, at least one month, by the sheriff of the said county of Stafford, before the last day of July next, and then and there elect twelve of the most able and discreet persons of their parish to be vestrymen thereof; which said vestrymen so elected, by virtue of this act, having, in the court of the said county of Stafford, taken and sub-



scribed the oaths appointed to be taken by one act of parliament, made in the first year of the reign of his late majesty king George the first, intituled, An Act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late Princess Sophia, being protestants, and for extinguishing the hopes of the pretended Prince of Wales, his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be the vestry of the parish of Saint Paul; and upon the death, removal, or resignation of any of the said vestrymen, so to be elected, the remaining vestrymen shall be, and they are hereby impowered to chuse and elect another vestryman in the room of such vestryman so dying, removing or resigning.

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## CHAP. XXVII.

### *An Act to impower Lemuel Riddick to clear Summerton Creek, and for other purposes therein mentioned.*

**Lemuel Riddick** impowered to clear Summerton creek, in Nansemond.

**I. WHEREAS** it hath been represented to this general assembly, That the upper part of Summerton creek, in the county of Nansemond, which runs into Chowan river, in the province of North-Carolina, is useless to the inhabitants of this colony, by means of river dams, rafts of old trees, and other obstructions therein, and that the clearing the said creek, and making the same navigable, will be a public benefit, and Lemuel Riddick, of the town of Suffolk, in the county aforesaid, hath applied to this general assembly for leave to clear the same at his own expence: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Lemuel Riddick, his heirs or assigns, and he and they are hereby au-*

thorised and impowered, at his or their own expence, at any time or times after the passing of this act, to clear the said creek of all obstructions and make the same navigable for small craft, from the line which divides this colony from the province of North-Carolina, to any part of the lands of the said Lemuel, on the said creek, and to erect any gates, dams or stops that may be necessary for supplying and raising water in the said creek.

11. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the said Lemuel Riddick, his heirs or assigns, or any person or persons employed by him or them in the execution of this act, to pass through or go on shore upon the lands of any person or persons whatsoever without being subject to an action of trespass for the same; and if any suit shall be commenced for any thing done in pursuance of this act, the person or persons sued may plead the general issue, and give this act in evidence; and every court before whom such suit shall be prosecuted, where a verdict shall be found for the defendant or the plaintiff shall be nonsuited, shall award judgment for such defendant and costs.

III. *And be it further enacted*, That it shall and may be lawful to and for the said Lemuel Riddick, his heirs and assigns, as soon as he or they shall have cleared and made the said creek navigable, to demand and receive of and from all or any person or persons who shall transport any goods, effects, or merchandise up or down the said creek, in any vessel, or upon any rafts, the following rates, to wit: For every barrel of pork, beef, tar, pitch or turpentine four pence per barrel: For every hogshead of rum, deer-skins, or other goods, one shilling: For every bushel of salt or grain one penny current money, and so in proportion for any other goods; and a particular manifest of all goods and commodities which at any time or times, after the said creek shall be made navigable, as aforesaid, shall be brought up or carried down the said creek by any person or persons whatsoever, shall be delivered unto the said Lemuel Riddick, his heirs or assigns, or some person by him or them to be appointed for that purpose, within twenty-four hours after the same shall be landed at any place or places on the said creek, and pay the rates aforesaid, otherwise he, she or they shall forfeit and pay unto the said Lemuel Riddick, his heirs and



assigns, double the sum for which the goods and commodities ought by this act to have paid had the same been duly entered and paid, to be recovered before any justice of the peace for the county of Nansemond by a warrant for that purpose obtained.

IV. *Provided always*, That nothing in this act contained shall be construed, deemed or taken to hinder or restrain any person or persons from prosecuting and maintaining any actions or suits against the said Lemuel Riddick, his heirs, executors, administrators or assigns for any damage occasioned by means of his or their stopping the waters of the said creek.

V. *Provided also*, That if at any time or times hereafter it shall appear to the general assembly that the free use of the said creek will be advantageous to the public, and the said assembly shall be willing to reimburse the said Lemuel Riddick, his heirs and assigns, the expences and charges which he or they shall or may be at in the execution of this act, and also pay him or them a reasonable satisfaction for his or their trouble, that then this act and every thing herein contained shall cease and become void.

## CHAP. XXVIII.

### *An Act to impower William Rand to build a Bridge over Pagan Creek, and for other purposes therein mentioned.*

William  
Rand autho-  
rised to build  
a bridge over  
Pagan creek.

I. WHEREAS it hath been represented to this general assembly, that the bridge formerly erected over the western branch of Pagan creek, in the county of Isle of Wight, from the land of William Hodsden to the land of Richard Reynolds, is fallen down and become useless, and that the erecting another bridge on the land of the same persons, a small distance above where the old bridge was built, will be of great use, ease, and benefit to the public; and William Rand, of the town of Smithfield, in the county aforesaid, hath applied to this general assembly for leave to erect, maintain, and support a good and sufficient bridge over

the said creek at his own expence: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That it shall and may be lawful for the said William Rand, his heirs or assigns, to erect, support, and maintain a good and sufficient bridge over the said creek, at the place aforesaid, at his own expence; and as soon as the same shall be compleatly finished, fit for travellers to pass over in carriages, it shall and may be lawful to and for the said William Rand, his heirs and assigns, to demand, take, and receive, of and from all persons passing over the said bridge with horses, wheel carriages and cattle, the following rates, to wit: For a man and horse four pence: For every wheel carriage two pence per wheel: For every head of nett cattle two pence: For every head of sheep or hogs one penny; and that no person shall have liberty to pass over the said bridge with wheel carriages, horses, or cattle until they shall first pay and satisfy the said William Rand, his heirs and assigns, the toll herein before mentioned.*

II. *Provided always, That no person who is desirous to pass over the said bridge on foot, without horses or other cattle, shall be obliged to pay the said toll or any part thereof, but all such foot persons are hereby declared to have liberty to pass over the said bridge free.*

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## CHAP. XXIX.

### *An Act to impower Armistead Churchill, gentleman, to sell and dispose of certain intailed Lands.*

I. WHEREAS William Churchill, late of the parish of Christ Church, in the county of Middlesex, gentleman, deceased, was in his lifetime, and at the time of his death, seised in fee-simple of and in two thousand two hundred and eighty acres of land, with the appurtenances, lying and being in the parish of Lunenburg, in the county of Richmond, and being so thereof seised did make his last will and testament, in

Alexander Churchill authorised to sell certain intailed lands.



writing, bearing date the eight day of November, in the year of our Lord one thousand seven hundred and ten, and thereby devised the same to his son Armistead, by the description of all his land in Virginia, and to the heirs of his body lawfully begotten; but in case he should die without heirs then he gave all his lands in Richmond county to his daughter Elizabeth Churchill, and to the heirs of her body lawfully begotten, and in case she should die without heirs of her body lawfully begotten, then he gave the said lands to Priscilla Churchill and the heirs of her body lawfully begotten, as by the same proved and recorded in the county court of Middlesex may appear; and some time after making the said will the said William Churchill died, whereby the said Armistead became seised of the said two thousand two hundred and eighty acres of land in tail, under the limitations and restrictions in the will of the said William Churchill mentioned, and hath issue William Churchill his eldest son and heir at law, who is of full age, and hath (together with Elizabeth Dawson, who is the Elizabeth Churchill, and Priscilla Lewis, who is the Priscilla Churchill, mentioned in the will of the said William Churchill, deceased) consented to the passing of this act.

II. And whereas the said Armistead Churchill hath settled on the said William Churchill, his heir at law, on his marriage, other lands of greater value than the said two thousand two hundred and eighty acres in Richmond, and is not seised of any lands in fee-simple, or which he can sell in order to make a provision for his younger children (of which he hath a great number) and it will render the remaining part of the lands so as aforesaid devised to him by the will of the said William Churchill entirely useless to his heir at law and his posterity after his death if he was to make a provision for his younger children out of his slaves and personal estate.

III. And whereas notice has been published three Sundays successively, in the churches in the said parish of Lunenburg, that application would be made to this general assembly for leave to sell and dispose of the said two thousand two hundred and eighty acres of land, pursuant to your majesty's instructions.

IV. May it therefore please your most excellent majesty, at the humble suit of the said Armistead Churchill, that it may be enacted, *And be it enacted,*

*by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act it shall and may be lawful to and for the said Armistead Churchill, and in case of his death his executors and administrators, and he and they are hereby severally impowered to sell to any person or persons who shall be willing to purchase the said two thousand two hundred and eighty acres of land, and to make and execute all deeds and conveyances necessary in law for assuring unto such purchaser or purchasers a good estate in fee-simple in the lands so to be purchased; and such purchaser or purchasers, by virtue of such deeds and conveyances, and of this act, shall for ever hereafter peaceably and quietly hold and enjoy the said lands, so purchased, to them and their heirs for ever.*

V. Saving to the king's most excellent majesty, his heirs and successors, and unto all and every other person and persons, bodies politic and corporate, their respective heirs and successors. (other than the persons claiming under the last will and testament of the said William Churchill, deceased) all such right, title, estate, interest, claim, and demand as they, every, or any of them, should or might have had or claimed if this act had never been made.

VI. *Provided always,* That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.

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### CHAP. XXX.

*An Act to vest certain intailed lands therein mentioned in Thomas Turner, gentleman, in fee-simple, and for settling other lands of greater value to the same uses.*

I. WHEREAS Richard Johnson, late of the county of King and Queen, gentleman, deceased, was, in his lifetime, seised in fee-simple of and in a tract of land, containing two thousand seven hundred and six-

Certain lands  
intailed by  
Richard  
Johnson in



Caroline,  
vested in  
Thomas  
Turner.

ty-five acres, situate on Mattapony river, in the parish of Drysdale, and county of Caroline, and being so seised, he the said Richard Johnson, in and by his last will and testament, in writing, by him duly published, bearing date the thirteenth day of December, in the year of our Lord one thousand seven hundred and thirty-three, did, among other things, give and devise the said lands, by the description of all his lands and plantations, mills and appurtenances, of which he was then possessed, in the county of Caroline, to his nephew Thomas Johnson, and the heirs of his body lawfully begotten, for ever, with several remainders over, as in and by the said will, proved and recorded in the court of the said county of King and Queen, may more fully appear; and soon after making the said will the said Richard Johnson departed this life, after whose death the said Thomas Johnson, the nephew, entered into the said lands and premisses and was thereof seised, and hath agreed to sell and convey the same to Thomas Turner, gentleman.

II. And whereas the said Thomas Johnson is seised in fee-simple of and in a tract of land, containing one thousand seven hundred and eleven acres, situate in the parish of Fredericksville, in the county of Louisa, which was purchased by him of Anne Cosby, and William Johnson, and Martha his wife, and conveyed by deeds recorded in the said county court of Louisa.

III. And whereas it will be greatly to the advantage of the said Thomas Johnson and his family to dock the intail of the said lands in the county of Caroline, whereby he may be enabled to provide for his younger children, and to settle the said lands in the county of Louisa, being of greater value, to the same uses.

III. And for as much as notice has been published three Sundays successively in the several churches of the said parish of Drysdale, in the county of Caroline, that application would be made to this present general assembly to dock the intail of the said lands in the county of Caroline, upon settling the other lands of greater value to the same uses, pursuant to your majesty's instructions.

IV. May it therefore please your most excellent majesty, at the humble suit of the said Thomas Johnson and Thomas Turner, that it may be enacted, *And be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is*

*hereby enacted, by the authority of the same,* That the said two thousand seven hundred and sixty-five acres of land, so as aforesaid, agreed to be sold to the said Thomas Turner, be, and the same are hereby vested in the said Thomas Turner, his heirs and assigns, for ever, to his and their own proper use and behoof: And that the said one thousand seven hundred and eleven acres of land, in the county of Louisa, be, and are hereby vested in the said Thomas Johnson, and the heirs of his body, for ever; and on failure of such heirs the same shall remain, go, and descend to all and every such person and persons, and for such estate, and in such sort, manner and form as the said lands in the county of Caroline would have remained, gone and descended by virtue of any limitations in the will of the said Richard Johnson if this act had never been made.

V. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, (other than the persons claiming under the will of the said Richard Johnson) all such right, title, interest, claim, and demand as they, every, or any of them should or might claim if this act had never been made.

VI. *Provided always,* That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.





ANNO REGNI

## GEORGI II,

Regis Magnæ Britanniae, Franciae, et  
Hiberniae, tricesimo primo.

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*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the twenty-fifth day of March, in the twenty-ninth year of the reign of our sovereign lord George II. by the grace of God, of Great-Britain, France. and Ireland, King, Defender of the Faith, &c. and in the year of our Lord, 1756, and from thence continued by several prorogations to Thursday the thirtieth of March, in the thirty-first year of his majesty's reign, and in the year of our Lord, 1758; being the fourth session of this assembly-*

John Blair,  
esq. president.

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### CHAP. I.

*An Act for augmenting the forces in the pay of this Colony to two thousand men; and for other purposes therein mentioned.*

I. WHEREAS it is necessary, in this time of danger, that the number of forces, now in the pay of this colony, should be increased: *Be it therefore enacted, by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same. That the forces now in the pay of this colony shall be augmented to two thousand men,*



Reward to  
persons in-  
listing.

exclusive of the rangers formerly directed to be raised. And for the more speedy raising the men that shall be wanted to compleat that number, it shall and may be lawful, to and for the officers appointed for that purpose, by the president or commander in chief, to inlist so many men as shall be willing to enter into the said service; and every person so inlisting shall receive from the officer inlisting him the sum of ten pounds; and every such officer shall be allowed, over and above the rewards so to be paid by him, all his necessary expences in the inlisting such persons and conveying them to a place of general rendezvous.

How the  
men raised  
are to be dis-  
posed of.

II. *And be it further enacted*, That the men to be raised, by virtue of this act, as well as the soldiers formerly directed to be raised, and now in the pay of this colony, except the rangers, shall and may, by direction of the president or commander in chief, be united to the forces that shall be sent to our assistance by his majesty or any of the neighbouring colonies, and may be marched to annoy or attack the enemy in such manner as shall be thought proper by the commanding officer of his majesty's forces in North-America.

Money to be  
said by the  
reasurer.

III. *And be it further enacted, by the authority afore-  
said*, That so much money as shall be necessary for defraying the charge of raising, paying, and cloathing, and other expences of the officers and men to be raised by virtue of this act, shall be paid by John Robinson, esquire, treasurer, or the treasurer of this colony for the time being, appointed by or pursuant to an act of assembly, out of the public money that shall come to his hands by virtue of this act, to such person or persons as shall be directed by warrant from the president or commander in chief of this colony for the time being, so that the sum so to be paid do not exceed, in the whole, the sum of twenty-one thousand five hundred pounds, to be accounted for to the general assembly.

For main-  
taining the  
three com-  
panies of  
rangers.

IV. *And be it further enacted*, That the said treasurer shall, out of the money to be raised by virtue of this act, pay to the honorable John Blair, esquire, president and commander in chief of this dominion, or to the commander in chief for the time being, a sum of money, not exceeding four thousand five hundred pounds, to be laid out for and in the maintaining the three companies of rangers directed to be raised and

employed for the protection of the south western frontiers of this colony, by an act made in the third session of this present general assembly, intituled, An Act for granting an aid to his majesty, for the better protection of this colony, and for other purposes therein mentioned, and accounted for to the general assembly.

V. And whereas several Indians have already come to the assistance of this colony, and more may come:

*Be it further enacted, by the authority aforesaid, That* for defraying the charges of such Indians, there shall be paid by the said treasurer, out of the money that shall come to his hands by virtue of this act, to such person or persons as shall be directed, by warrant under the hand of the president or commander in chief of this dominion for the time being, a sum, not exceeding four thousand pounds; and that the said treasurer shall moreover, as soon as the same can be conveniently done, send to Great-Britain for, and import into this colony, a quantity of goods, such as may best answer the wants and occasions of the Indians so coming to our assistance, to be presented to them as a reward for their services, in such manner as shall be directed by the president or commander in chief for the time being, by and with the advice and consent of his majesty's council here, so as the whole sum to be paid for such goods does not exceed two thousand pounds, to be accounted for to the general assembly.

For defraying the charge of Indians coming to our assistance.

VI. *And be it further enacted, That* the said treasurer shall, out of the money that shall come to his hands by virtue of this act, pay to such person or persons as have, before the passing hereof, killed or taken prisoner any Indian enemy within the limits of this colony, and shall produce a certificate thereof, according to the directions of an act of assembly, made in the third session of this present general assembly, intituled, An Act for the more effectual preventing and repelling the hostile incursions of the Indians at enmity with the inhabitants of this colony, the additional reward of thirty pounds directed by the said act to be paid for every Indian enemy so taken prisoner, killed or destroyed.

Reward for scalps or captives.

VII. And for raising the several sums of money hereby given and granted, *Be it further enacted, by the authority aforesaid, That* an additional tax or duty of one shilling shall be paid for every tithable person in this colony, to the sheriff of the county where such

How the money is to be raised.



Poll-tax.

person shall be inlisted, by the person inlisting the same, on or before the tenth day of April one thousand seven hundred and sixty-one, and the further additional tax or duty of one shilling shall be paid, in like manner, for every such tithable person, on or before the tenth day of April, one thousand seven hundred and sixty-two; and the further additional tax or duty of one shilling for every such tithable person shall be paid, in like manner, on or before the tenth day of April one thousand seven hundred and sixty three; and the further additional tax or duty of one shilling for every such tithable person shall be paid, in like manner, on or before the tenth day of April, one thousand seven hundred and sixty-four: And that an additional tax of one shilling for every hundred acres of land, and after that rate for a greater or lesser quantity, shall be paid by the owner or proprietor thereof, on or before the said tenth day of April, in each of the said years one thousand seven hundred and sixty-one and the three next following; which said additional duties shall be paid, collected, and accounted for, in such manner and form, according to such rules, and under such penalties and forfeitures as are mentioned, prescribed, and appointed for the paying, collecting, and accounting for the tax or duty imposed upon lands and tithables payable in the said years by the before mentioned act of assembly, intituled, An Act for granting an aid to his majesty, for the better protection of this colony, and for other purposes therein mentioned: And that every article, rule and clause contained in the said act, concerning the paying, collecting, and accounting for the said former duties, shall be used, exercised, and put in practice for paying, collecting, and accounting for the said duties hereby imposed, as if the same articles, rules and clauses were inserted in this act.

Treasury  
notes to be  
emitted.

VIII. And whereas by reason of the great scarcity of gold and silver in this colony, the taxes imposed by this act cannot be collected in time to answer the purposes hereby intended: *Be it enacted, by the authority aforesaid,* That it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury notes to answer the demands that shall be made upon him for the purposes aforesaid, so as the whole sum of such notes, so to be issued, shall not exceed the sum of thirty-two

thousand pounds; which notes, so to be issued, shall be prepared, printed, engraved and numbered in such form, and after such method as the said treasurer shall judge most safe from counterfeits and forgeries; and shall be signed by Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman, each of whom shall receive the sum of twenty shillings for every thousand of the said notes by him signed and delivered to the treasurer.

By whom  
signed.

IX. *And be it further enacted*, That in case of the death or inability of them, the said Peyton Randolph and Robert Carter Nicholas, or either of them, before all such treasury notes shall be signed, in that case it shall and may be lawful for the said treasurer to appoint some other person to sign such notes in the room of him so dead or unable; which signing shall be as effectual to all intents and purposes as if such notes were signed by the persons herein named, and public notice of such alteration shall be given by the treasurer in the Virginia Gazette for three weeks after such alteration shall take place.

In case of  
death or inability,  
new signers to be  
appointed by  
the treasurer.

X. *And be it further enacted, by the authority aforesaid*, That all notes to be issued in pursuance of this act, shall be redeemable on the first day of March, one thousand seven hundred and sixty-five, and shall then be paid by the treasurer for the time being, appointed as aforesaid: And further, that all such notes shall be received and pass as a lawful tender in payment of any debt, duty or demand, whatsoever (except for the payment of his majesty's quit-rents) from the time of issuing such notes, till the time before limited for the redemption thereof at the treasury, as aforesaid.

When the  
money now  
issued to be  
redeemed.

XI. *And be it further enacted, by the authority aforesaid*, That if any person or persons shall forge or counterfeit, alter or erase, any such treasury-note, or demand a redemption thereof at the treasury, knowing the same to be forged or counterfeited, altered or erased; or if any person or persons shall, during the time the said notes shall remain current within this colony as aforesaid, offer to sell, or expose to sale, any goods or chattels, lands or tenements, whatsoever, and shall deny or refuse to sell the same, or demand a greater price, unless he be paid for the same in gold or silver coin, and not in the said notes; or if any person or persons shall exchange gold and silver coin for the said notes, and demand or take any allowance for the

Penalty on  
counterfeit-  
ing.

Or deprecia-  
ting.



difference of the value thereof, or shall offer to buy or sell bills of exchange at a greater or higher difference of exchange for the said treasury-bills than for gold or silver coin, or shall use any other device, means, or method whatsoever, whereby the credit of the said notes may be impaired, every person so offending shall suffer and pay the pains, penalties and forfeitures, inflicted for the like offences respectively by the before-mentioned act of assembly, intituled, An Act for granting an aid to his majesty for the better protection of this colony, and for other purposes therein mentioned, to be inflicted, recovered, and appropriated, as in the said act is directed.

Treasurer's  
salary.

XII. *And be it further enacted, by the authority aforesaid,* That for the trouble of issuing the said treasury-notes, the said treasurer, or the treasurer for the time being, appointed as aforesaid, shall receive a salary of half per centum upon the amount of the notes so to be issued.

How to be  
redeemed.

XIII. *And be it further enacted,* That the money to be raised by the duties and taxes imposed by this act shall stand, be, and remain as a security for the redemption of the treasury-notes so to be issued; and the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands by virtue of this act, for and towards the redemption of the said treasury-notes, and to no other use, intent or purpose, whatsoever.

How to be  
formed, and  
when dis-  
charged.

XIV. And for the further encouragement of persons to enlist in the service, *Be it further enacted, by the authority aforesaid,* That the men to be raised by virtue of this act shall be formed into a regiment, to consist of ten companies, to be commanded by a colonel, lieutenant-colonel, major, seven captains, twenty lieutenants, and ten ensigns; and there shall be allowed to the said regiment a chaplain, one surgeon and two surgeon's mates, an adjutant, and a quarter-master; which said regiment shall continue in his majesty's service until the first day of December next, and shall then be discharged from the said service.

Paymaster  
to give bond.

XV. *And be it further enacted, by the authority aforesaid,* That the paymaster appointed to pay off the forces in the service of this colony shall give bond and security to the president, or commander in chief of this colony for the time being, in the sum of ten thousand pounds, for the due and faithful discharge of the trust reposed in him.

XVI. And whereas it may be necessary, in case the forces in the pay of this colony should be marched upon any expedition, that the forts built for the protection of this colony should be garrisoned by draughts from the militia, *Be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the president and commander in chief for the time being, with the advice and consent of the council, to cause and direct such and so many men to be draughted out of the militia as to him shall appear necessary to garrison the forts built for the protection of this colony, during the absence of the soldiers; and the men so to be draughted to continue in garrison, or relieve them by new draughts from time to time, as the said commander in chief, with the advice of the council, shall direct, so as such militia be not continued in garrison longer than until the twentieth day of December next: And that the draughts of the militia for this purpose shall be made in like manner, and the persons draughted shall be subject to the same rules, regulations and punishments, and entitled to the like pay and provisions, as is directed for the militia drawn into actual service upon an invasion or insurrection, by the act intituled, *An Act for reducing the several acts for making provision against invasions and insurrections into one act of assembly.*

Forts to be  
garrisoned  
by the mili-  
tia.

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## CHAP. II.

*An Act for continuing and amending an act, intituled, An Act for preventing mutiny and desertion.*

I. WHEREAS an act of assembly, made in the thirtieth year of the reign of his present majesty, intituled, *An Act for preventing mutiny and desertion*, will soon expire, and it is expedient that the same should be continued: *Be it therefore enacted, by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said act shall continue and be in



force, from and after the expiration thereof, for, and during the term of one year from thence next following, and no longer.

Soldiers to  
be billeted.

II. And for as much as at this time, and during the continuance of this act, there is and may be occasion for the marching and quartering of soldiers in several parts of this colony: *Be it further enacted, by the authority aforesaid,* That for and during the continuance of this act, and no longer, it shall and may be lawful to and for any one justice of the peace in any county, city or borough within this colony, and he is hereby required to billet the soldiers in his majesty's service in ordinaries and licenced taverns, and in no private houses whatsoever; nor shall any more billets at any time be ordered than there are effective soldiers present to be quartered. And in case any person shall find himself aggrieved in that such justice of the peace has billeted in his house a greater number of soldiers than he ought to bear in proportion to his neighbours, and shall complain thereof to any two other justices of the peace of the county, city or borough where such soldiers are quartered, such justices are hereby empowered to relieve such person, by ordering such and so many of the soldiers to be removed and billeted upon such other person or persons, keeping public houses, as above mentioned, as they shall see cause; and such other person or persons shall be obliged to receive such soldiers accordingly.

ff No reward  
w for billeting.  
c

III. *And be it further enacted,* That the soldiers so billeted, as aforesaid, shall be received by the persons on whom they are billeted, and furnished with vinegar, salt, and the use of fire to dress their victuals, without demanding any reward or satisfaction for the same.

ANNO REGNI

GEORGI II,

Regis Magnæ, Britanniae, Franciæ, et  
Hiberniæ, tricesimo secundo.

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*At a General Assembly, begun and held at  
the Capitol, in Williamsburg, on Thurs- Francis Paque-  
day the fourteenth day of September, in quier, esq.  
the thirty-second year of the reign of our governor.  
sovereign lord George II. by the grace of  
God, of Great-Britain, France, and Ire-  
land, king, defender of the faith, &c. and  
in the year of our Lord 1758; being the  
first session of this assembly.*

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CHAP. I.

*An Act for the defence of the Frontiers of  
this Colony, and for other purposes there-  
in mentioned.*

I. WHEREAS the money already granted for sup-  
porting the forces in the pay of this colony is expend-  
ed, and considerable arrears are now due to them, and  
it is necessary that money should be raised to discharge  
such arrears, and to pay the said forces to the first day  
of December next: *Be it therefore enacted, by the Lieu-  
tenant-Governor, Council, and Burgesses, of this pre-  
sent General Assembly, and it is hereby enacted by the* The money  
*authority of the same, That so much money as shall be* raised for  
*necessary for the purposes aforesaid shall be paid by* payment of  
*John Robinson, esquire, treasurer, or the treasurer of* the arrears  
of the forces.



this colony for the time being, appointed by or pursuant to an act of assembly, out of the public money that shall come to his hands by virtue of this act, to such person or persons as shall be directed by warrant from the governor or commander in chief of this colony for the time being, so that the sum so to be paid do not exceed, in the whole, the sum of twenty thousand pounds, to be accounted for to the general assembly.

Pay of the  
first regi-  
ment till the  
first day of  
May next.

II. And whereas the disbanding all the said forces on the said first day of December will be of dangerous consequence to the safety and welfare of this colony, by leaving the frontiers thereof entirely defenceless and exposed to the continual incursions and depredations of our cruel and merciless enemies: *Be it enacted, by the authority aforesaid,* That a sum not exceeding fifteen thousand pounds, shall be paid and accounted for in manner aforesaid, for the subsistence and pay of the first regiment, part of the said forces, from the said first day of December to the first day of May following.

The first re-  
giment to be  
employed as  
angers.

III. *Provided always, and be it further enacted,* That the said regiment, during that time, shall be stationed in small parties or detachments upon the frontiers of this colony, and be employed in ranging thereon for the better protection of the inhabitants thereof. And if the said regiment shall be detained or prevented by any authority whatsoever from returning to this colony after the said first day of December, or shall not after their return be employed in the service aforesaid, their pay and subsistence hereby given shall cease, and the said regiment shall not be deemed or taken to be in the service or pay of this colony, any thing in this act to the contrary notwithstanding.

Officers dis-  
continued.

IV. *Provided also,* That during the time aforesaid, the chaplain, adjutant, quarter master, and fort major shall not be continued in the said regiment, and that there shall be but one colonel to the said regiment, and that no allowance shall be made to the said colonel for the expences of his table.

Militia.

V. And whereas several companies of the militia were lately drawn out into actual service, for the defence and protection of the frontiers of this colony, whose names, and the time they respectively continued in the said service, together with the charge of provisions found for the use of the said militia, are contained in the schedule to this act annexed; and other

companies of the said militia are now in actual service, for the purposes aforesaid, whose accounts are not settled or inserted in the said schedule, and commissioners are appointed for stating and settling the same, as also the accounts of provisions for the said militia, and it is just and necessary that they should be paid for such their services and provisions by the public: *Be it enacted, by the authority aforesaid, That the said treasurer, out of the money to be raised by virtue of this act, shall, within three months after the passing thereof, pay to the officers, private soldiers, and other persons particularly named in the said schedule, the several sums to which they are thereby respectively entitled; and also to such officers, soldiers, and other persons who shall produce to the said treasurer proper certificates from the said commissioners, together with a warrant from the governor or commander in chief for the payment of the same.*

VI. *And be it further enacted, by the authority aforesaid, That the said treasurer, out of the money to be raised by virtue of this act, shall pay to the honorable Francis Fauquier, esquire, Lieutenant-Governor, or the commander in chief for the time being, a sum not exceeding four thousand pounds, to be laid out for and in the raising and maintaining companies of rangers consisting of one hundred men each with their officers, to be employed as rangers for the protection of the subjects on the frontiers of this colony, as the governor or commander in chief shall direct from time to time, and shall not be sent out of this colony.*

Four companies of rangers to be maintained.

VII. And whereas it will be very troublesome to the governor or commander in chief to examine and settle the accounts of the several charges and expences of the said forces, *Be it therefore enacted, by the authority aforesaid, That William Prentis, James Cocke, and Thomas Everard, gentlemen, shall, and are hereby appointed commissioners to examine, state, and settle such accounts relating to the expences of the said officers and men as shall from time to time be referred to them by the governor or commander in chief for the time being; and each of the said commissioners shall be allowed for their trouble therein the sum of seventy-four pounds.*

Commissioners appointed.

VIII. And for raising the money hereby given and granted, *Be it further enacted, by the authority aforesaid, That a tax or duty of one shilling shall be paid*

The taxes.



Poll-tax.

for every tithable person in this colony; to the sheriff of the county where such person shall be inlisted, by the person inlisting the same, on or before the tenth day of April, one thousand seven hundred and sixty-one; and the further tax or duty of one shilling shall be paid, in like manner, for every such tithable person, on or before the tenth day of April, one thousand seven hundred and sixty-two; and the further tax or duty of one shilling shall be paid, in like manner, for every such tithable person, on or before the tenth day of April, one thousand seven hundred and sixty-three; and the further tax or duty of one shilling shall be paid, in like manner, for every such tithable person, on or before the tenth day of April, one thousand seven hundred and sixty-four; and that a further tax of two shillings for every tithable person in this colony shall be paid on the tenth day of April, in the year one thousand seven hundred and sixty-five; and the like tax of two shillings, for every such tithable person, shall be paid, on the tenth day of April, in the year one thousand seven hundred and sixty-six. And that a further tax of two shillings for every hundred acres of land, and so in proportion for a greater or lesser quantity, shall be paid, in like manner, in each of the said two last mentioned years; which said taxes or duties shall be paid, collected, and accounted for in such manner and form, according to such rules, and under such penalties and forfeitures as are mentioned, prescribed, and appointed for the paying, collecting, and accounting for the tax or duty imposed upon lands and tithables, payable in the years one thousand seven hundred and sixty-one and the three next following, by one act of assembly made in the thirty-first year of the reign of his present majesty, intituled, An Act for granting an aid to his majesty for the better protection of this Colony, and for other purposes therein mentioned; and that every article, rule and clause contained in the said act concerning the paying, collecting, and accounting for the duties thereby imposed in the said years one thousand seven hundred and sixty-one and the three next following shall be used, exercised, and put in practice, for paying, collecting, and accounting for the taxes or duties hereby imposed as if the like articles, rules and clauses were inserted in this act.

Land tax.

Treasury  
notes.

IX. And whereas the taxes imposed by this act cannot be collected in time to answer the purposes hereby

intended: *Be it enacted by the authority aforesaid, 'That it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury notes to answer the demands that shall be made upon him for the purposes aforesaid, so as the whole sum of such notes, so to be issued, shall not exceed the sum of fifty seven thousand pounds; which several notes shall be prepared, printed and engraved in such form, and after such method as the said treasurer shall judge will be most safe from counterfeits and forgeries: And two thousand two hundred and fifty of the said notes shall be of the value or denomination of five pounds; and shall be signed by Peyton Randolph, Esquire, and Robert Carter Nicholas, gentleman: Two thousand two hundred and fifty of the said notes of the value or denomination of three pounds, and shall be signed by the said Peyton Randolph, Esquire, and Robert Carter Nicholas, gentleman: Two thousand two hundred and fifty of the said notes of the value or denomination of two pounds, and shall be signed by the said Peyton Randolph, Esquire, and Robert Carter Nicholas, gentleman. Fifteen thousand of the said notes of the value or denomination of twenty shillings, and shall be signed by Benjamin Waller and Philip Johnson, gentlemen: Fifteen thousand of the said notes of the value or denomination of ten shillings, and shall be signed by the said Benjamin Waller and Philip Johnson, gentlemen. Twenty five thousand of the said notes of the value or denomination of five shillings, and shall be signed by John Randolph, esquire: Twenty-five thousand of the said notes of the value or denomination of two shillings and six pence, and shall be signed by the said John Randolph, esquire. Twenty thousand of the said notes of the value or denomination of one shilling and three pence, and shall be signed by Edmund Pendleton, gentleman; and twenty thousand of the said notes of the value or denomination of one shilling, and shall be signed by the said Edmund Pendleton, gentleman.*

X. *And be it further enacted, by the authority aforesaid, That in case of the death or absence or any of them the said Peyton Randolph, Robert Carter Nicholas, Benjamin Waller, Philip Johnson, John Randolph, and Edmund Pendleton, before all the treasury notes shall be signed which are herein required to be signed* Where the signers die or are absent.



by such person, in that case it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to appoint some other person to sign such notes in the room of him so dead or absent, which signing shall be as effectual to all intents and purposes as if such notes were signed by the persons herein named, and public notice of such alteration shall be given by the treasurer in the Virginia Gazette for three weeks after such alteration shall take place.

Overlookers  
of the press.

**XI.** *And be it further enacted,* That John Palmer and George Davenport, gentlemen, shall, and they are hereby appointed to overlook the press during the time of printing the notes to be issued pursuant to this act, who shall use the best of their care, attention and diligence that the number and amount of the said notes, according to their respective denominations aforesaid, be not exceeded, nor any fraudulent practice used by the printer, his servants, or any person concerned therein; and shall number and deliver such notes, when printed, to the persons appointed to sign the same, respectively, taking his or their receipt for the same, from time to time, and that each of them shall have for their trouble therein the sum of fifty pounds, to be paid them by the treasurer for the time being. And the persons so appointed to sign the said notes shall deliver them, when signed, to the treasurer for the time being, appointed as aforesaid, and take his receipt for the same; and each signer shall receive of the said treasurer twenty shillings for every thousand of the said notes by them respectively signed and delivered as aforesaid: And the said treasurer shall be allowed half per centum upon all the said notes by him paid away as his salary for paying the same.

The redemption  
of the  
notes, and  
their currency.

**XII.** *And be it further enacted,* That all notes to be issued in pursuance of this act shall be redeemable on the fourteenth day of September, one thousand seven hundred and sixty-six, and shall then be paid by the treasurer for the time being: And further, that all such notes shall be received and pass as a lawful tender in payment of any debt, duty, or demand whatsoever (except for the payment of his majesty's quitrents) from the time of issuing such notes until the time before specified for the redemption thereof at the treasury, as

aforesaid. And if any person or persons within this colony shall, during the time the said treasury notes are to remain current, as aforesaid, offer to sell or expose to sale any goods or chattels, lands or tenements whatsoever, and shall deny or refuse to sell the same, or demand a greater price unless he be paid for the same in gold or silver coin, and not in the said notes: Or if any person or persons shall exchange gold or silver coin for the said bills, and demand or take any allowance for the difference of the value thereof, or shall offer to buy or sell bills of exchange at a greater or higher difference of exchange for the said treasury bills than for gold or silver coin, or shall use any other device, means, or method whatsoever whereby the credit of the said notes may be impaired, every person so offending shall forfeit and pay after the rate of twenty per centum upon the value of the goods or chattels, lands or tenements so offered or exposed to sale, or of the money so exchanged, or of the bills of exchange so bought or sold, to be recovered by the informer, to his own use, before any justice of the peace, where the penalty does not amount to more than twenty-five shillings, and where it shall exceed that sum, the said penalty shall be one half to our lord the king, for the public use, and to be paid to the treasurer aforesaid, or the treasurer for the time being, appointed as aforesaid, and disposed of as the General Assembly shall direct, and the other half to the informer, and shall and may be recovered with costs, by action of debt or information, in any court of record within this colony.

XIII. *And be it further enacted, by the authority aforesaid,* That if any person or persons shall forge or counterfeit, alter or erase, any such treasury note, or shall tender in payment, by way of barter or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

Penalty on counterfeiting.

XIV. *And be it further enacted,* That the money to be raised by the duties and taxes imposed by this act shall stand, be, and remain as a security for the redemption of the said treasury notes so to be issued, and the said treasurer, or the treasurer for the time

Security for the redemption of the notes.



being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands by virtue of this act for and towards the redemption of the said treasury notes, and to no other use, intent, or purpose whatsoever.

Treasurer to  
give further  
security.

XV. *And be it further enacted, by the authority aforesaid,* That John Robinson, esq. treasurer of this colony, shall give such further security as shall be approved by the governor or commander in chief of this colony, in the sum of one hundred thousand pounds for the due answering and paying all the money by him received, from time to time, and for the due and faithful performance of his said office; and in case of his death, resignation, or disability, the treasurer to be appointed in his stead shall, in like manner, give such further security before he enters into his said office.

Militia in  
Garrison  
may be con-  
tinued.

XVI. And whereas by an act of assembly, intituled, An Act for augmenting the forces in the pay of this colony to two thousand men, and for other purposes therein mentioned, it is enacted, That the president and commander in chief, for the time being, with the advice and consent of the council, should cause and direct such and so many men to be drafted out of the militia as to him shall appear necessary to garison the forts built for the protection of this colony during the absence of the soldiers; and the men so to be drafted to continue in garison, or relieve them by new drafts, from time to time, as the said commander in chief, with the advice of the council, should direct, so as such militia be not continued in garison longer than until the twentieth day of December next; and as it is not probable that detached parties of the first Virginia regiment will march to the protection of the frontiers of this colony by the said twentieth day of December next: *Be it therefore enacted, by the authority aforesaid,* That it shall and may be lawful for the governor or commander in chief of this colony for the time being, with the advice and consent of the council, to continue such men, now drafted out for the purposes aforesaid, in their several duties and stations, or to relieve them by new drafts, till such detachments of the regiment aforesaid shall march to the frontiers of this colony, as by this act is intended.

Provisions  
for the Militia.

XVII. And for the more effectual victualling the militia so drawn out as aforesaid, *Be it further enacted,* That it shall and may be lawful for the governor or

commander in chief of this colony for the time being, to contract with any person or persons for procuring proper provisions for such militia, in the best and most expeditious manner that to him shall seem convenient.

## The SCHEDULE to which this Act refers.

*To the Militia of the County of Augusta, and for Provisions furnished by sundry Inhabitants of the said County, viz.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain Alexander Sayers for his pay, and the pay of his officers and company of militia to the last day of August, 1758 inclusive, as per muster-roll,	246	14	8
To captain Abraham Smith,	5	8	
Sampson Archer, lieutenant,	2	5	
James Henderson, ensign,	1	18	
Benjamin Kinley, serjeant,	1		
Jonas Friend, corporal,	1	1	4
Robert Tremble, do.	1	2	8
To Robert Mitchell, William Blackwood, John Black, Richard Yedley, and John Lawn, 19 shillings each,	4	15	00
Adam Dunlop,		18	
John Cosby, Robert M-Coy, Andrew Little, and George Lewis, 17 shillings each,	3	8	00
Henry Benningar,		18	
To Adam Harper, and Woolrey Coonrod, 16 shillings each,	1	12	
To William Minter, William Cunningham, Robert M-Carney, Daniel M-Night, John Cunningham, Andrew Cunningham, jun. John Cunningham, Edward Watts, Charles Driver, James Anderson, James Young, William Rolestone, Matthew Rolestone, John Peterson, Darby Conway, Martin Cornet, Thomas M-Namar, Thomas Peterson, James Fowler, and Samuel Semple, 15 shil. each,	15	00	00
To Michael Mallow		11	
John Stevenson,		14	



l. s. d.

To John Shill,	11		
Matthew Patten,	9		
To Richard Wilson, Hugh Diver, Daniel Henderson, James Ramsay, and John Johnston, 12 shillings each,	3	00	00
To Alexander Craig, John Melcum, and Joseph Mel- cum, 6 shillings each,	18		
To Michael Props, and Adam Props, 3 shillings each,	6		
To Robert Minice,	4		
William Gragg,	12		
To David Cloyd, for provisions,	27	3	10
Rhoda Evans, for do.	24	2	9
To Benjamin Kinley, carpenter, 6 days rebuilding Fort Syvers, at 2 shillings and six pence,	15		
To Jonas Friend, and William Minter, carpenters, L. 1 2s. 6d. each,	2	5	00
To Robert Mitchell, Robert Tremble, William Black- wood, Richard Yadley, John Lawn, Adam Dun- lop, John Black, John Cosby, Woolry Coonrod, Andrew Little, George Lewis, Adam Harper, William Cunningham, Robert M•Kay, Daniel M•Night, John Cunningham, Andrew Cunning- ham, John Cunningham, jun. George Watts, John Stevenson, James Anderson, James Young, William Rolestone, Matthew Rolestone, James Paterson, Derby Conway, Martin Cornet, Tho- mas M•Namare, Thomas Patterson, Samuel Sem- ple, for 9 days work at 9s. each,	13	10	00
To Henry Peninger, William Gragg, James Fowler, Richard Wilson, Hugh Diver, Daniel Henderson, James Ramsay, and John Johnston, for five days work, at 5s. each,	2	00	00
To Charles Diver, for six day work at one shilling,	6		
To Alexander Craig, John Melcum, Joseph Melcum, Michael Props, and Adam Props, for two days work at two shilling each,	10		
To Abraham Smith, as lieutenant,	9		
William Cravens, serjeant,	4		
To Sampson Archer, John M•Kay, Robert Minnis, Henry Smith, John Smith, Adam Stephenson, William McGill, jun. Robert Boyd, William M•Gill, sen. Matthew Patton, Moses Hall, Pe- ter Veneman, John Young, Michael Erhart, Wil- liam Minter, Richard Wilson, John Shanklin,			

l. s. d.

Edward Megary, Paul Shever, James M <sup>c</sup> Clure, James Fowler, Joseph Shidmore, Nicholas Huff- man, Henry Peninger, and Robert Megary, three shilling each,	3	15	00
To Abraham Smith, for provisions,		17	
do. as lieutenant,		12	
John M <sup>c</sup> Coy, serjeant,		5	4
To Benjamin Kinley, John Malcom, William Cun- ningham, Larkin Pearpoint, James Gray, Robert Gragg, Robert Cunningham, David Smith, Robert Minnis, William Brattton, Josiah Shipman, William Rolestone, Robert Trimble, John Ste- phenson, Adam Stephenson, and John Gum, 4 shilling each,	3	4	00
To Jacob Sivers, for provisions,		10	
Abraham Smith, for horse-hire,		5	
Christian Avey, for provisions,	4	13	
Michael Mallar, for do.	1	5	
Captain Abraham Smith,	3		
Lieutenant William Cunningham,	1	16	
Ensign John Hopkins,		14	
William Clark, serjeant,		10	
John Jameson, corporal,		10	
To John Walker, Christian Clement, and Robert Gibson, twelve shilling each,	1	16	
To John M <sup>c</sup> Clure, James Bell, John Long, William M <sup>c</sup> Farlin, John Peary, William Black, David Scott, James Steel, Gilbert Christian, James Meteer, James Lockart, John Shields, and John Woods, eight shilling each,	5	4	00
To John M <sup>c</sup> Kay, serjeant,		9	4
To Arthur Trader, Robert Patterson, Robert M <sup>c</sup> Gea- ry, Matthew Black, Jonas Friend, Nathan Har- rison, Robert Minnis, Leonard Herron, Corne- lius Sullivant, Edward Shanklin, John Shidmore, Hugh Campbell, James Shidmore, Samuel Briggs, Michael Dickie, John Davis, Robert Cunning- ham, Thomas Nichols, James Fowler, Archi- bald Gilkison, John Malcom, William Elliot, and Thomas Spencer, seven shillings, each,	8	1	00
To John Jordon, William Makeery, Joseph Jenkins, Daniel Evans, Richard Shanklin, and William Hooks, five shillings each,	1	10	00
To Abraham Smith, for provisions,	8	1	1



	<i>l.</i>	<i>s.</i>	<i>d.</i>
Mathew Patton, for do.	1	5	
Joseph Shidmore, for do.	1	17	
Lodowick Folk, for do.		7	
George Mouse, for do.	5	16	3
Peter Moses, for do.	2	15	5
Philip Harper, for do.	1	13	6
George Hamener, for do.	3	2	6
Nicholas Huffman, for do.	2	8	11
Henry Penninger, for do.	1	18	9
Peter Veneman, for do.	1	17	7
Michael Erhart, for do.	1	6	4
Nicholas Frank, for do.		7	
Henry Laurel, for do.	2	3	4
John Wilson, for do.	16	4	3
Nicholas Haven, for do.	4	16	10
Michael Freeze, for do.	1	8	7
Roger Dyer, for do.	2	9	4
Michael Props, for do.	3	9	3
Adam Weese, for do.		12	4
Jacob Peterson, for do.		7	
Leonard Hire, for do.		10	
Henry Carr, for do.		13	
Jacob Harper, for do.		2	3
Valentine Kyle, for do.		15	
Jacob Goodman, for do.		15	1
Woolry Coonrod, for do.		9	6
George Coplinger, for do.		2	
John Dunkel, for do.		4	6
William Dyer, for do.		10	10
Matthias Tyce, for do.		11	3
Michael Mallow, for do.		11	6
Jacob Sivers, for do.	2	11	4
Abraham Smith, for do. and horse hire,	2	8	9
To John Buchanan, as captain, pay to himself, his officers and company, from the 13th day of April, 1758, till the first day of September following,	292	3	3
To captain John Dickenson for pay to sundry persons employed in building a fort at Craig's creek, and for horse hire,	22	16	
To Rhoda Evans, for provisions,	3		9
James Boreland, for do.	10		
John Dean, for do.	10		
David Cloyd, for do. to Indians,	8	16	7
William Stevison, for do. to do.		19	6

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To John Gum, for horse hire,		3	9
To John Moore, for a sorrel mare impressed for the Shawnese expedition, and not returned, appraised to		6	00 00
To John Gisens, for the use of his horse in the same expedition,		3	17 6
To Walter Cunningham, for conducting Indians,		2	15
To Robert Bratton, for horse hire,		3	17
To Alexander Sayers, for a horse impressed and killed, appraised to		14	10
To John Smith, for do. and for hire of another horse,		9	12 6
To captain Abraham Smith,		44	8
Lieutenant Sampson Archer,		3	15 00
John M'Cay, serjeant,		8	16
William Cravens, do.		6	2 8
Robert Minice,		2	6
James Camble,			18
James Alexander,		1	3
John Johnson,		2	5
Thomas Lawrence,			17
James Stephenson,		2	5
Daniel Remi,		2	12
To John Farrell, and William Kite, 45s. each,		4	10 00
Adam M'Cormick,		2	2
John Leonard,		8	
Benjamin Kinly, corporal,		3	8
Martin Philips,		7	13
William Woods,		4	3
James Burk,		1	4
Thomas Prichard, corporal,		3	9 4
Abraham Earhart,		7	18
John Blor,		7	15
George Watts,		7	11
Gasper Smith,			10
Michael Earhart,		7	9
To Nicholas Hufman, Philip Harper, Valentine Castle, Jacob Harper, and George Hamer, <i>l.</i> 7 8s. each,		37	
To Jacob Hornbery,		6	9
Nicholas Frank,		7	9
Thomas Boyne,		1	3
Peter Moses,		5	17
George Moses,		6	17
Adam Harper,		6	16



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To George Mouse, and Paul Shaver, <i>l.</i> 7 8s. each,	14	16	
To Loudwig Folk,	7	9	
Michael Frees,	4	12	
Peter Vanimon,	7	3	
Philip Hufinan,	7	8	
William Wilson,		13	
Henry Benigar,	7	3	
John Cunrod,	6	16	
John Malcomb,		16	
James M. Clare,		14	
John Cunningham,		16	
William Minton,	1	11	
Isaiah Shipman,		6	
To Jacob Peterson, Jacob Wiece, Joseph Wiece, Benjamin Hagler, John Hagler, John Wizer, Postine Hagler, Henry Carr, Jacob Hagler, Martin Peterson, Jeremiah Cooper, 16s. each,	8	16	00
To Robert Trimble,	1	19	
Jacob Goodman,	2	7	
Gabriel Pickins,		15	
William Shaw,	6	15	
John Young,	1	12	
Michael Earhart, junior,	1	8	
To Mathias Tice, Gasper Smith, Nicholas Sivers, Nicholas Havener, Jacob Aberman, William Dyer, Andrew Full, John Still, Michael Malow, Michael Eberman, Adam Little, and John Aberman, 14s. each,	8	8	00
To William Wilson,	1	11	
To Robert Homes, Daniel Evens, David Lard, 30s. each,	4	10	
To Jacob Rolman, and Thomas Bowens, 27s. each,	2	14	00
To John Fhares, corporal,	4	4	
Matthew Black,	1	10	
Larkin Pearpoint,		16	
William Minton, corporal,	2		
George Malcomb, do.	5	12	
John Crosby, junior,	1	14	
Robert Trimble,	1	8	
Thomas Lawrence,	2	8	
George Goodman,	4	17	
George Capliner,	1	5	
John Malcomb,		12	
Henry Smith,		9	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Michael Hogshead,	0	10	00
John Crosby, senior,		19	
William Cunningham,		13	
John Young,	1	6	
William Flemin,		13	
Robert Cuningham,	2		
Thomas M·Comb,		10	
Richard Wilson,	1	6	
William Gragg,		19	
Thomas Paterson,	1	16	
Robert Magery,	1	1	
Joseph Dikton,	1	16	
To William Woods, and Daniel Reme, 54s. each,	5	8	
To George Hedrick, John Seller, John Miller, Charles Man, Jacob Pence, Jacob Grub, Charles Rush, Cunrod Kinsel, 51s. each,	20	8	
To William Blair,	1	16	
To Michael Eberman, John Reiger, and Nicholas Sivers, 46s. each,	6	18	
To James Camble,	1	1	
To Michael Malow, John Stilt, John Eberman, Adam Little, John Colley, William Dyer, and Jacob Eberman, 46s. each,	16	2	00
To John Dunkle,	1	19	
Gasper Smith,		15	
Christopher Colley,	1	9	
To Roger Dyer, George Malow, George Fults, Ma- thias Tice, Walter Cunrod, Gabriel Kite, Jacob Kite, Valentine Kite, George Kite, Jacob Havener, 46s. each,	23	00	00
To Nicholas Havener, George Dunkle, 39s. each,	3	18	
To Thomas Barrow,	1	15	
George Anderson,	1	18	
William Ralston,	1	15	
James Bradshaw,	1		
John Davis,	1	18	
To Robert Minice and Robert M·Cay, 35s. each,	3	10	
To Daniel Long,		13	
Andrew Little,	1	2	
John Cunningham, junior,	1		
James Alexander,	1	1	
Andrew Full,	1		
To captain Francis Kirtley, 17s. 6d. deducted for hides received by him,	15	12	6



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Lieutenant Christian Bingaman,	7	10	
Benjamin Kindley serjeant,	1	6	8
John Ozban, serjeant,	1	14	8
John Bingaman,	1	2	00
Daniel Price,		9	
John Massey,	1	8	
George Man,	1	11	
Peter Miller,	1	12	
Tetrarch Couch,		18	
Jacob Moyers,		12	
Stephen Hanburgher,	1	3	
Jacob Fudge,	1	9	
Adam Hedrick,	1	18	
Nicholas Mildebarler,	1	11	
Henry Long,	1	12	
James Fowler,	1	18	
John Fraizer,	1	10	
Robert Belche,	1	14	
Hugh Wilson,		13	
James Lawrence,		8	
William Hook,	1	14	
Mogis Algier,	2	13	00
Thomas Wilmouth,	1	11	
Adam Miller,	1	10	
Jacob Miller,		13	
Jacob Man,	1	13	
Thomas Powell,		16	
George Kite,	1	10	
Gunrod Umble,	2	2	
William Kinsey,	2		
Cornous White,	1	16	
To Nicholas Null, Charles Fie, John Early, 11s. each,		1	13
To John Ferrel,	1	2	
To Gunrod Peterfish,	1	11	
Jacob Runkle,		9	
To Peter Trusler, George Shillinger, 31s. each,	3	2	
To Arthur Trader,		12	
To Nathaniel Harrison, Robert Black, 17s. each,	1	14	
To Matthew Black,	1	10	
William Shannon,		9	
Thomas Pointer,	1	16	
Moses Sample,		7	
Henry Coler,	1	11	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Jacob Richards, John Richards, 35s. each,	3	10	
To Ury Umble, Daniel Cloud, 30s. each,	3	00	00
To Christopher Armontrout, Jacob Kindler, 32s. each,	3	4	
To Isaac South,	1	7	
John Fulse. Poston Nosler, 19s. each,	1	18	
To Holerick Hushman,		17	
William Shaw,		14	
Martin Umble,	1	2	
Lieutenant Daniel Smith,		15	
To Matthew Patton, William Cravens, William Wilson, James M <sup>c</sup> Clure, James Thomson, Edward M <sup>c</sup> Garey, Michael Mallow, Honicle Huffman, Henry Peniger, Willry Cunrod, John King, Robert Patterson, James Patterson, George Moffett, John Reburn, James Robertson, Alexander Craig, Samuel Kerre, John Armstrong, Thomas Patterson, Adam Reburn, Robert Anderson, Edward Ervin, Frederick Eister, Samuel Patterson, Matthias Dice, John Dunkle, Lodowick Wagoner, Thomas Baskine, John Baskine, David Bell, Michael Hogshead, Robert Trimble, James Campbell, George Dunkle, James Hamilton, William Ervin, James Young, John Young, James Anderson, George King, James Stephenson, Thomas Stephenson, John Stephenson, Gaun Leeper, Arthur Greer, Adam Miller, 5s. each,	11	15	00
To captain Ephraim Love,	7	16	
William Craven, serjeant,	2	12	
Adam Stevenson, corporal,	1	10	8
Thomas M <sup>c</sup> Corne, do.	1	6	8
To John Campbell, Andrew Little, James Young, 20s. each,	3		
To Edward Ervin,	1	2	
John Stevenson, James Stevenson, 23s. each,	2	6	00
Thomas M <sup>c</sup> Namar,	1		
Robert Minnis,	1	3	
William Blair,	1		
Archibald Huston,	1	5	
To Thomas Wilson,	1	10	00
Thomas Bowen,	2	5	
Joseph Jenkins,	1	18	
William Hooks,	1	9	
To Daniel Evins, Richard Shanklin, 32s. each,	3	4	



l. s. d.

To James Hooks,	1	11	
John Reburn,		16	
Ro Archibald Hopkins, John Shanklin, 35s. each,	3	10	
To James Fowler,		12	
John Harrison,	1	9	
John Shanklin,		15	
John Gordon,	1	15	
To Hugh M <sup>c</sup> Garey, Samuel Peterson, 25s. each,	2	10	
To Leonard Herren,		18	
Cornelius Sullivan,	1	6	
Nathaniel Harrison,		12	
To James Thomson, Jacob Roleman, 36s. each,	3	12	
To David Smith,	1	12	
To Robert M <sup>c</sup> Garey, Henry Downs, 26s. each,	2	12	
To Joseph Dicton,	1	15	
To William Rolestone, William Ross, 22s. each	2	4	
To Robert M <sup>c</sup> Comey,	1		
William Shanon,	1	17	
Lieutenant John Hopkins,	2	14	
John M <sup>c</sup> Cay, serjeant,	1	2	8
Jonas Friend, do.	1	4	
Gideon Harrison,		18	
Leonard Harring,		13	
To John Harrison, Nathaniel Harrison, Thomas Peterson, 18s. each,	2	14	
To Jacob Roleman,		16	
To John Gordon, John Shanklin, 18s. each,	1	16	
To Jamas Young, James Anderson, Alexander Craig, and James Alexander, 17s. each,	3	8	
To James Thomson,		10	
To Adam Stevenson, George Watts, Thomas Macklemare, and Robert Trimble, 17s. each,	3	8	
To Robert M <sup>c</sup> Garey,		16	
Robert Minnis,		15	
Robert Cunningham,		9	
To Robert M <sup>c</sup> Comey, John Stevenson, James Stevenson, 14s. each,	2	2	
To Thomas Spence,		9	
John Crevens,		11	
Joseph Dicton,		16	
To Robert Black, Samuel Hemphill, 8s. each,		16	
To John Shidmore,		17	
James Shidmore,		16	
To Archibald Hopkins, Samuel Patterson, Cornelius Sullivan, 12s. each,	1	16	

*l. s. d.*

To the executors of James Patton, deceased, for Oz-			
nabrigs, for Indians,	4	14	6
To John Carlyle for a horse impressed, on the Shaw-			
nese expedition, and not returned,	5	10	
To James Carlyle, for do.	5	2	6
Elizabeth Preston, for provisions,	1	2	8
Robert M <sup>c</sup> Clanahan, for do.	1	14	
George Robinson, for do.		13	4
To Peter Wallace for two mares lost on the Shaw-			
nese expedition, appraised to	14	10	
To Edward Kenny, for one mare do.	7	10	
To Bryan M <sup>c</sup> Donnell, assignee of Joshua M <sup>c</sup> Cor-			
mick, for a mare, a horse, and a pack saddle, do.	8	2	
To James Greenlee, for a horse and halter do.	6	10	00
To do. for five pack saddles do.	1		
To Joseph Lapsley, for one do. do.		5	
To do. for four do. do.		16	
To Nathaniel Evans for a horse lost on the Shaw-			
nese expedition, appraised to	5		
To William Moore, for a horse do.	6	10	
John Guy, for a horse do.	5	10	
Robert Gwin, for a horse do.	7		
To Bryan M <sup>c</sup> Donell, assignee of Joshua M <sup>c</sup> Cor-			
mack, for a horse and a mare do.	9		
To Robert Young for a mare do.	3	15	
To do. assignee of Thomas Branner, for a mare,			
saddle, bridle, and bell, do.	10		
To John Crockett, for provisions, do.	5	1	
To John Buchanan, for work, horse hire, and a blan-			
ket, do.	2		
To John Smith, horse driver, do.		9	6
To Alexander Hamilton, hire for his mare, do.	3	17	6
To captain William Preston for his pay, and the pay			
of a company of militia, from the first day of May			
to the seventh day of June, 1757, inclusive, as			
per muster-roll,	134	16	4
To Loftus Pulton, for a horse,	6	10	
Adam Stephenson, for provisions,	1	15	3
William Armstrong, for do.	12	5	
William Burnett, for do.		10	10
John Kinkade, do. do. do.		7	6
To Matthew Patton, assignee of George Mous,			
for do.		10	
To Alexander Hering, for do.	6	12	9



l. s. d.

To Matthew Patton, assignee of Michael Earhart, for do.	15	6	
To William Carvin, for do.	3		
Robert Rennick, for do.	2	8	
To William M <sup>c</sup> Cutchison, assignee of Patrick Sa- vage, for do.	1	12	9
To John Miller, for do.	6	4	7
Robert Gibson, for do.	12	9	
David Moor, for do.	2	16	6
William Wilson, for do.	10	15	6
Stephen Wilson, for do.	4	12	2
John Ramsay, for do.	10		
Robert Looney, for do.	3	14	8
Michael Dougherty, for do.	14	8	
John Carlyle, for do.	1	15	9
Robert Carlyle, for do.	1	1	7
Daniel Deniston, for horse hire,	13	9	
John Trimble, for do.	15		
George Skillern, for expresses,	2	7	6
Robert Young, for provisions,	1	13	3
John Robinson, for do.	13		
James Clark, for do.	16	6	
Samuel Wilson, for do.	2	9	10
Thomas Armstrong, for do.	19	4	
To Elizabeth Preston, for do. and horse hire,	1	14	8
To Joseph Bell, for provisions, and express,	11	6	
To Elijah M <sup>c</sup> Clanahan, for horse hire,	6	7	6
To James Bell, an express,	11		
Thomas Black, horse hire,	5		
Joseph Mais, do.	16	4	
Loftus Pullon, do. and provisions,	2	10	7
Captain William Christian,	2		
Lieutenant James Henderson,	1		
Michael Henderson, serjeant,	10	8	
To Francis Alexander, William Long, William An- derson, George Robinson, Hugh Allen, James Robertson, William Blackwood, Nathaniel Don- lap, James Turk, Robert Thomson, Anthony Black, John Black, Robert Gibson, John Finley, John Finley, jun. John Patrick, James Steel, James Patterson 8s. each,	7	4	00
To John Brown, James Allen, Alexander Thomp- son, 21s. each,	3	3	
To Samuel Henderson, James Allen, jun. 14s. each,	1	8	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To John Thomson, John Young, John Vance, George Wilson, Robert Gibson, 7s. each,	1	15	
To Dinnick Beret,		6	
To Henry Hecks, James Lockart, John Black, Moses Thompson, Robert Thompson, George Robertson, John Hutcheson, John Finley, John Finley, jun. Jas. Gillaspey, Jas. Steel, John Davison, Charles Patrick, William Hutchison, John Long, James Bell, James Gifins, William Cunningham, John Camble, Jonathan Jones, Hugh Allen, Hugh Mackclure, Alexander Steuart, 7s. each,	8	1	
To Major John Brown, for provisions, James Cull,	2	11	9
	1		
To Thomas Robinson, James Bryans, Abraham Keeny, Abraham Duncklebery, Robert Brown, Thomas Ford, Samuel Ford, James Caghey, Thomas Cashaday, Jacob Graham, John Davison, 7s. each,	3	17	
To Samuel Norwood, captain, Charles Wilson, lieutenant, Ensign Cunningham,		15	
		7	6
		6	
To John Willey, William Hambleton, Robert Hambleton, John Gilmore, Thomas Gilmore, Jacob Cunningham, James Simpson, James Moor, George Croford, Halbart M·Clurr, John Willey, Robert Willey, James Davis Eldad Reed, George Gipson, 3s. each,	2	5	00
To Robert Young, Edward Farses, 10s. each,	1		
To Robert Tolford, David Tolford, 8s. each,		16	
To Adam Dickinson, for provisions, John Smith, major,	2	12	9
		13	
To Peter Looney, serjeant, Benjamin Hansley, do. 32s. each,	3	4	
To John M·Alhancy, Benjamin Davies, Timothy Stoten, John Putt, Joseph Clerk, John Bell, John Crockett, Daniel M·Bridge, James Anon, Gardner Adkins, John Hughs, John Medley, 24s. each,	14	8	
To John Montgomery, George Rowland, 7s. each,		14	
To Jacob Graham, John M·Neal, Henry Long, William Kerr, 9s. each,	1	16	
To Robert Armstrong, serjeant,		9	4
To Sampson Sayers, Samuel Bell, William Hog, William Elliot, Archibald Gilkson, 7s. each,	1	15	



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To William Bell,		6	
John Trimble,		4	
John Graham,		6	8
Joseph Vauhob,		4	
To Robert Armstrong, William Mar, John Clark,			
John Wilson, James Risk, 5s. each,	1	5	
To William Christian, captain,	9		
John Davice, serjeant.	3	4	00
To George Marchel, William Currey, Caleb Her-			
mon, James Tobit, Christopher Finney, 48s.	12		
each,			
To Robert Carlile,		11	
To Edward M'Donald, for provisions and waggon-			
age,	5	7	6
To John M'Cown, for Provisions,	1	5	
John Boyens, for do.		12	
Robert Young, for do.		3	
John Micles, for do.		17	6
James Boreland, for Salt,	2		
John Maxwell, for Provisions,	1	4	
James Wilson, for Horse Hire,		6	3
Andrew Hays, for Provisions,	2	14	3
John Boyer, do.		18	9
Robert Campbell, do.	1	2	6
John Bowen, do.	4	6	5
John Gilmore, do.	3	16	10
Michael Swadley, do.		17	5
John Buchanan, do.		7	3
Michael Prepest, do.		10	10
James Clark, do.	1	6	
Mary Car, do.		2	6
John Maxwell, do.		14	6
Benjamin Davis, do.	7	3	9
John Moore, for Horse Hire,	3	17	6
To Sampson Matthews, Executor of John Matthews,			
for Provisions,	1	7	4
To William Graham, for Provisions,		7	6
Mark Taled, for do.	5	4	1
Samuel Davidson, for Horse Hire,		10	
Alexander M'Clure, for Provisions,	2	1	
Thomas Hicklins, for do.		9	4
James Cowan, for do.		15	
John Ward, for do.	2	11	
John Craford, for do.		16	6
John Ward, for do.		13	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To William Ledgwood, for provisions,		11	4
Samuel Steele, for do.		2	15 3
John Ramsay, for do.		14	10
William Lewis, for do.		1	5
Robert Hustan, for do.		12	3
Robert Steele, for do.		2	4
John Paxton, for do.		1	16
Adam Dean, for horse hire,		6	3
John Williams, for twenty days service,		1	
John Hamilton, for eight days do.			8
John Crocket, for provisions,		1	9
To Sampson and George Matthews, assignees of John Bradley, for driving pack horses,		4	14 3
To Walter Cunningham, for a mare lost, appraised to		9	
To Moses M·Clure, for one horse, two pack-sad- dles, do.		5	11
Robert Young, for one horse do.		6	10
To William Ward, for an horse lost, and appraised to		11	
To John Lowry, do.		3	10
Thomas Wilson, do.		5	
Thomas Weems, do.		5	10
Robert Guy, do.		12	
James Guy, jun. do.		6	
James M·Cay, do.		8	
Samuel Hodge, do.		8	
James Lockridge, do.		5	
Samuel Sprowle, for horse-hire,		3	17 6
John Cartmill, for do.		3	17 6
Ralph Laferty, for do.		3	17 6
Henry Guy, for do.		6	3
John Buchanan, for flour,		27	14
To John Cambell, for provisions to Indians,		12	
To Thomas Stinson, for do.		2	7 9
Jacob Campbell, do.		1	8
Evan Evans, do.		4	10
To Moses M·Clure, do.		2	10 00
John Ward, do.		10	
James Wallace, do.		2	2 4
Alexander Walker, do.		10	8
Henry Reburn, do.		2	1 10
John Stevenson, do.		2	7 4
William Beard, do.		1	5 2



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To John Arrentrot, do.	2	14	4
Patrick Frazier, do.	6	15	10
John Matthews, do.	1	19	1
John Stevenson, do.	1	10	8
Samson Archer, do.		19	7
William Gregg, do.		10	8
Samson Archer, do.	3	6	1
Archibald Huston, do.		5	8
William Christian, do.		6	3
William M <sup>c</sup> Gee, do.	10	19	2
James Simpson, do.	1	16	3
John Holmes, do.	3	17	10
Archibald Huston, do.	1	11	6
James Bruister, do.		11	4
Thomas Bradshaw, do.	1	5	
Patrick Campbell, do.	3	1	
Thomas Lorimore,	3	3	
To Andrew Hamilton, and James Givens, do.	3		9
To John Ree, do.	2	15	
Thomas Millsaps, do.	3	15	8
To John Buchanan, for paid William Henderson, Abraham Brown, and David Looney, for car- riage of provisions, &c.	9		8
To do. for Alexander Mackie,	1	7	2
To Ruben Harrison, for provisions for Indians.	1	1	8
To Samson Archer, do.	1	9	8
Jonathan Douglass, do.	4	11	10
John Anderson, do.	2	2	1
John Davis, do.	21	10	7
David Moor, do.	14	9	10
Edward M <sup>c</sup> Donald, do.	3	2	8
Andrew Leeper, do.	1	14	2
William Thompson, do.	1	13	5
Elijah M <sup>c</sup> Clanahan, do.		6	8
Joseph Crocket, do.	1	7	6
Joseph Love, do.	2	14	7
Robert Looney, do.	2	1	
James Huston, do.		15	5
John Matthews, sen. do.		5	9
James Arbuckle, do.		12	
William Graham, do.		11	5
William Beard, for waggonage,	2		
William Whiteside, for work,		11	8
John Maxwell, captain. as lieutenant.	2	8	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To John Matthews, Matthew Campbell, 16s. each,	1	12	
To John Bowin, serjeant,	1	1	4
To John Bowin, jun. Henry Bowin, Moses Bowin, Reice Bowin, George Matthews, John Campbell, Robert Dew, Richard Matthews, Michael Kelly, 16s. each,	7	4	
To Daniel Goodwin, William Matthews, 8s. each,		16	
To Joshua Matthews, William M·Kinney, 19s. each,	1		
To William Bowin,		8	
Sampson Matthews,		10	
John Matthews, as ensign,		10	
Matthew Campbell, as serjeant,		6	8
To James Wilson, James Magavock, 5s. each,	10		
To John Armstrong, John Bowen, jun. Moses Bow- en, James Gilmore, Jonathan Whitley, James Hughston, Andrew Hall, William Buyers, Pa- trick Porter, William Lapesley, Arthur M·Clure, Samuel Todd, 4s. each,	2	8	
To David Steuart, colonel, as captain,	2	2	
William Lewis, as Lieutenant,	1	1	
John Henderson, as ensign,		14	
To Robert Brackenridge, Robert Craig, Samuel Carr, Robert Patterson, Thomas M·Come, George Moffet, Samuel Patterson, Going Leeper, James Blair, James Young, James Patterson, Robert Willey, Alexander Craig, John Blair, George Anderson, William Polog, George King, James Stewart, Arthur Greir, John King, Robert Fin- ley, Henry Murray, Walter Cunningham, Wil- liam Tencher, John Robinson, Audly Hamilton, William Anderson, George Rogers, Alexander M·Clanahan, William Reed, Adam Dunlop, James Stevenson, Robert Hunter, William Pur- zins, 7s. each,	11	18	00
To James M·Dowell, lieutenant,	1	7	
To John Wardlaw, James Couden, serjeants, 12s. each,	1	4	
To James Kenaday, William Kenaday, James Ward- law, James Logan, Samuel Huston, David Moore, Nathaniel Evans, James M·Clong, John M·Clong, Henry M·Collom, Robert Steel, John Sproul, Moses Whiteside, John Lyle, jun. Robert Lusk, John Montgomery, John Hawl, John Thompson, Archibald Alexander, Patrick Lowry, John Low-			



	<i>l.</i>	<i>s.</i>	<i>d.</i>
ry, Thomas Seirl, Charles Allison, Thomas Paxton, James Huston, 9s. each,	11	5	
To Alexander Thompson, as lieutenant,	1	4	
Audley Paul, as ensign,		12	
Matthew Camble, as serjeant,		8	
To Robert Henry, James Wilson, John Mayes, 6s. each,		18	
To George Davison, Thomas Hamilton, 7s. each,		14	
To John Plunkett, James Ward, sen. William Ward, Josep Ward, 6s. each,	1	4	
To Alexander M•Mullan,		8	
To Robert Allen, jun. James Ward, jun. 6s. each,		12	
To James Davison, Richard Pryar, 7s. each,		14	
To Patrick Savage, Robert Allen, sen. Phelty Cogh, Jacob Botters, 6s. each,	1	4	
To Robert Thompson,		8	
Patrick M•Closkey,		6	
Andrew Hays, captain,	1	4	
Archibald Buchanan, lieutenant,		16	
To Alexander Buchanan, Thomas Hudson, serjeants, 5s. 4d. each,	10	8	
To Edward Cenney,	3		
To John Mitchell, John Tinley, Charles M•Anally, Samuel Davice, Andrew Fitzpatrick, Andrew Miscampbell, Filey Yacome, Samuel M•Dowell, Samuel Lyle, Patrick Lowry, John Lowry, Daniel Lyle, John Putt, William Cruothers, William Taylor, Francis Randols, James M•Clung, David Bryans, David Gray, James Colter, Moses Edmiston, Alexander Walker, John Hays, David M•Croskey, John Dunlop, Andrew Buchanan, David Sayer, John Porter, David Guin, James Buchanan, James Culton, Matthew Lindsey, John Snodgrass, 4s. each,	6	12	00
To Andrew Hay, captain,	2	8	
Archibald Buchanan, lieutenant,	1	4	
To Henry M•Cullom, Alexander Buchanan, 10s. 8d. each,	1	1	4
To William Buchanan, William Reah, Robert Rheah, Archibald Rheah, James Colter, Alexander Walker, Matthew Linsey, Thomas Gilmore, John Moore, David M•Croskey, Moses Edmistine, David Edmiston, John Robinson, 8s. each,	5	4	
To James Borlane,		5	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To David Sayers, Robert Stevenson, 8s. each,		16	
To Samuel M <sup>c</sup> Cutchison, John Kilpatrick, William Ward, John Clerk, William M <sup>c</sup> Cutchison, James Rusk, James M <sup>c</sup> Cutchison, Walter Trimble, John Wilson. 9s. each,	4	1	
To John Woitlaw, James Woitlaw, 8s. each,		16	
To Hugh Martin, for provisions,		4	
To colonel John Buchanan, charges of building Fort Fauquier,	11	9	
To do. for paid sundry persons for provisions for Indians,	7	5	1
To do. for provisions to Indians,	1	11	3
James Camble, for provisions,	1	4	1
Sarah Cuningham, do.	2	1	9
James Camble, do.	4	10	5
do. do.	6	13	2
Colonel John Buchanan, do.		3	9
To David Stewart, for horses, horse hire, and drivers, on the Shawnese expedition,	31	13	6
To John Buchanan, Miller, for provisions,	2	9	
To William Long, do.	7	6	6
To David Stewart, for paid sundry persons for provisions,	17	9	5
To Peter Cochran, for a mare killed in the Shawnese expedition,		5	
To James Dunlop, captain,	51	10	
Alexander Hamilton, lieutenant,	25	15	
Thomas Cadon, corporal,	6	17	4
John Gay, do.	6	10	4
Alexander Legat,	4	8	
Robert Stevenson,	3	13	
James Stevenson,	2	3	
Josiah Wilson, ensign,	20		
David Galloway, serjeant,	6	13	4
John Low,	4	14	
William Elate,	4	5	
Andrew Jameson,	3	15	
Alexander Sutherland,	4	16	
William Hamilton,	3	10	
Patrick Cargon,	4	12	
To Thomas Smith, Ralph Laferty, and James Huggart, sen. 14. 9s. each,	13	7	
To James Cartmill, and Robert Steuart, 14. 5s. each,	8	10	
To George Jameson,	3	3	



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To John Cartmill,	4	2	
John Hamilton,	3	11	
To James Miligan, Richard Mase, and Arsbel Clendinin, <i>l</i> 3. 19s. each,	11	17	
To James Steenson, James Hugart, Jun. and James M'Henry, <i>sl</i> 18s. each,	11	14	
To James Burnsidcs,	3	14	
Edward Howard, Serjeant,	4	18	8
John Salley,	2	16	
To Matthias Cleeke, and James Stuart, <i>sl</i> 14s. each,	7	8	
To Robert Lusk, Corporal,	4	13	4
To David Gallaw, Jun. and Samuel M'Murray, <i>sl</i> 3s. each,	6	6	
To Thomas Hugart, Serjeant,	3	16	
William Edemston, do.	3	12	8
To John Cantley, James Bunton, and Samuel Edemston, <i>2l</i> 14s. each,	8	2	
To John Cain, and John Clendinin, <i>2l</i> 10s. each,	5		
To Andrew Buchanan,	2	12	
To John Sprout, and Robert Campbell, <i>2l</i> 7s. each,	4	14	
To Thomas Vance,	2	3	
William Matthis,	2		
To John Withlaw, James Cowdown, James Steele, <i>1l</i> 16s. each,	5	8	
To James Gay, and Andrew Sitolentown, <i>1l</i> 15s. each,	3	10	
To Dennis M'Nely,	1	3	
To Lawrence Murphey, and George Barkley, <i>1l</i> 13s. each,	3	6	
To Robert Grimes, and James Grimes, <i>1l</i> 11s.	3	2	
To William Moore,	1	10	
John Hudson,	1	4	
John M'Coy,	1	10	
Christian Tuley,		15	
Edward Crump,	1	3	
Benjamin Kinsey,	1	8	
To John M'Culley, and John Stuart, <i>1l</i> 7s. each,	2	14	
To Alexander M'Elvan,	1	6	
To John Davis, and John Hardin, <i>1l</i> 4s. each,	2	8	
To John Williams,		17	
Hugh Gilesby,	1	3	
Hendrey M'Collom,		18	
To Thomas M'Clunge, and Joseph M'Clunge, 16s. each,	1	12	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To John Maxwell, Captain,		2	10
Robert Rennick, Lieutenant,		1	5
To Robert Montgomery, Samuel Montgomery, James Montgomery, John Montgomery, Joseph Montgomery, James Montgomery, Jun. Thomas M·Ferrin, John M·Ferrin, James M·Ferrin, James Gatlive, Dennis Getty, and Samuel M·Fer- rin, 10s. each.		6	00 00
To Francis Reity,			9
To George Robinson, Captain,		4	16
To Moses Hambleton, Matthew Shaddin, John Arm- strong, John Carr, Richard Carr, William Car- vin, George Gunn, William M·Mullin, Jeremiah Green, William Walker, Michael Cloyd, James Lee, and Jones Wabreaner, 1 <i>l.</i> 4s. each,	15	12	
To George Robinson, Captain,	50		
Edwin Peterson, Lieutenant,	3	17	6
Joshua M·Cormack,	10		
Matthew Sheddin,	2	3	
James Cloyd,	9	16	
David Mitchell,	1	15	
Bryan M·Donnall,	7	15	
David Miller,	1	4	
James Snodgrass,	5	1	00
George Clark,	9	17	
Abraham Bist,	5		
Matthew Rollin,	4	19	
Thomas Wilson,	4	16	
Abraham Thompson,	9	9	
James Moore,	9	7	
William Armstrong,	7		
Dennis Gettey,	7	17	
To Lodowick Slodser, and Christopher Stoder, 1 <i>s.</i> 17s. each,	7	14	
To Samuel Rolston,	1	19	
William Carvin,	6	8	
Hugh Martin for provisions,	5	4	5
Stephen Wilson, for do.		7	6
Felix Gilbert, for do.		15	
James Boreland, for do.	9	9	3
William Meas, for do.	1	8	6
Robert Allen, for do.	8	6	3
William M·Murray, for do.	6	5	3
Joseph Waughub, for do.		12	



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Samuel M <sup>c</sup> Murrey, for do.	1	12	
Lawrence Contsman, for do.	1	11	9
John Wilson, for do.	2	3	4
William Dougherty, for do.		8	
John Gay, for do.	1	4	
William M <sup>c</sup> Cutchin,	2	8	4
Alexander Legat, for two beef casks,		10	
To Robert Read, for 9lbs. powder, <i>l</i> 1. 13s. 9d. for 9lbs. lead 6s. 9d.	2		6
To Gabriel Jones and Thomas Walker, to pay a company under the command of John Smith, ac- cording to his muster-roll, ending the 25th day of June, 1756,	576	13	
To captain John Smith the balance of his, and his son's pay as lieutenant in the said company,	20	15	
To do. his account paid to sundry persons for pro- visions and horse hire, and for inlisting soldiers,	199		2
To James Campbell, for provisions,		6	
Ephraim Voss, for do.	4	3	
William Graham, for do.	3		
John M <sup>c</sup> Farlin, for do.	7	10	
Jacob Rent, for do.	11	18	
Adam Harmon, for do.	1		
Samuel Jackson, for do.	1	17	6
William Thompson, for do.	3	19	5
Conrad Carlock, for do.	1	5	7
William Graham, for do.	8	13	
Thomas Campbell, for coopers work,	3	12	9
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	<i>l.</i>	<i>s.</i>	<i>d.</i>
	3866	3	5

## ACCOMACK COUNTY.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Major Thomas Custis for his Pay, and the Pay of the Guards conducting drafted Soldiers to Fre- dericksburg,	12	18	00
To James Rodgers, Sheriff, for maintaining drafted Soldiers in Goal,	9	17	6
To Major John Wise, his Account for carrying draf- ted Soldiers to Fredericksburg in 1756,	23	18	
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	<i>l.</i>	<i>s.</i>	<i>d.</i>
	46	13	6

## AMELIA COUNTY.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Richard Booker, for Provisions to Indians,	2	17	6
To Captain Henry Anderson,	31	16	
Lieutenant Branch Tanner,	15	18	
Ensign George Farley,	10	12	
To Richard Craddock, John Cox, Serjeants, 7 <i>l.</i> 2 <i>s.</i> each,	14	4	00
To John Chumley, Abel Man, John Baldwin, James Harris, John Dier, Robert Blanchet, John Culpeper, Richard Hooff, William Forster, Francis Smith, Bryan Farguson, 5 <i>l.</i> 6 <i>s.</i> each,	58	6	
To Humphrey Hendrick,	4	11	
To William Jackson, Robert Hinton, Peter Burton, John Appling, Charles Harrison, John Hendrick, Frederick Reams, Samuel Mann, John Cooke, Shem Cooke, William Cannon, Thomas Farguson, Peter Webster, Richard Farguson, John Wilson, James Arnold, William Childre, James Lockett, William Abney, William Hill, Joseph Burgess, Charles Smith, William Wood, William Hudson, Christopher Hinton, George Hasting, 5 <i>l.</i> 6 <i>s.</i> each,	137	16	
To James Cheatham,	4	8	
To Stephen Howell, William Ray, John Hamton, William Haynes, John Hammock, John Minear, Robert Steady, John Githings, Abram West, John James Farley, 5 <i>l.</i> 6 <i>s.</i> each,	53	00	00
To captain John Winne,	31	16	
Lieutenant James Clark,	15	18	
Ensign John Fitzpatrick,	10	12	
Serjeant Robert Hall,	2	16	
To William Ford, and William Whitworth, serjeants, 7 <i>l.</i> 1 <i>s.</i> 4 <i>d.</i> each,	14	2	8
Bowling Hall,	1	2	
To Hermon Thomson, serjeant, instead of Hall,	4	5	4
To Hermon Thomson, a s Idier,	2	2	
To Moses Estis, John Estis, Benjamin Meadows, William Person, Ralph Shelton, William Harris, Robert Hamm, William Estis, John Avery, William Hamm, James Campbell, William Farguson, Joseph Goodman, John Brassfield, Richard Fauster, Robert Fauster, Edward Farguson, John Herman, Charles Man, Daniel Prisnall, Thomas			



	<i>l.</i>	<i>s.</i>	<i>d.</i>
Wright, Ambrose Cumpton, Thomas Jones, Joel Hurt, James Hurt, William Hurt, John Fauster, George Ridley, James Rice, Uriah Hawks, George Moore, Richard Hawks, Bell Hulm, John Moore, Thomas Hulm, Henry Clay, James Hurt, jun. John Loving, William Hutcherson, Thomas Gunn, John Harris, Edmond Ballard, and Nimrod Henson, 5 <i>l.</i> 6 <i>s.</i> each,	227	18	
To James Hallis,	3	4	
To Henry Paulin, and Benjamin Parrott, 5 <i>l.</i> 6 <i>s.</i> each,	10	12	
To Richard Condrow,		13	
William Burgh,		10	
John Harris, jun.	5	6	
To major Wood Jones, for carrying drafted soldiers to Fredericksburg in 1756.	6	14	
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	l. 670	19	6

*ALBEMARLE COUNTY.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Charles Ellis, for provisions to Indians,	4	6	
To William Floyd, for provisions to Indians,	4	9	4
To William Pryor, do.	3	13	6
John Buckner, do.	3	4	11
Ambrose Lee, do.	7	9	
James Nevill, do.	1	12	
William Woods, do.		16	
Henry Key, do.		8	
Richard Murray, do. for and ferriages,	1	13	2
John Lewis, do.		7	4
George Taylor, for provisions,	1	14	5
To Mr. Allen Howard and William Cabell, jun. to pay a company of militia of his county, under the command of captain James Nevil, according to his muster-roll, to the eighth day of September, 1758, inclusive,	298	17	6
To Charles Ellis, for provisions,	2	8	1
John Dailey, do.		4	2
Elizabeth Birk, do.	1	10	5
Robert Davis, jun. do.	7	9	8
Nicholas Davis, do.	1	16	6
William Cabell, do.		17	8

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Edward Spalden, do.		19	2
Francis Ellison, do.		2	18 10
To David Lewis, paid for carrying ammunition,		15	
To William Callaway, for salt,		3	
Gideon Thomas, for horse hire,		8	9
Captain Charles Ellis,		3	18
Cornelius Thomas, lieutenant,		1	19
Charles Tuly, ensign,		1	6
John Freeman, serjeant,		9	4
Jacob Brown, corporal,		13	4
Thomas Cotrell, do.		17	6
To Edward Weir, and Thomas Powell, 7s. each,		14	
To Malcom Allen, Richard Powell, Ashcroft Roach, Benjamin Hensley, William Henson, John Pow- ell, Edward Spolden, Benjamin Stinnett, Benja- min Stinnett, jun. Henry Guffey, William Wil- liams, Solomon Carter, Joshua Fowler, John Hix, George Adam Salling, John Bryan, David Davis, Mark Lively, Henry Fuller, William Bratchy, John Burk Lane, Stephen Cash, Philip Henson, William Becknel, James White, James Randel, Nicholas Pryor, Caleb Burton, and Isham Davis, 13s. each,		18	4
To Jacob Smith,			7
To William Shoemaker, and William Pryor, 10s. each,		1	
To John Woods, as lieutenant,		1	19
William Woods, as ensign,		1	6
Andrew Greer, serjeant,		17	4
To Samuel Stockton, Thomas Jameson, Hugh Alex- ander, Robert Pogece, John Wallace, Adam Gaudilock, Michael Woods, jun. Bartholomew Ramsey, Henry Randolph, William Stockton, James Kinkade, Thomas Harbet, Henry Brenton, Joshua Woods, Alexander Jameson, Daniel Mau- pin, John Maupin, William Maupin, Matthew Mullins, Samuel Woods, William Whiteside, David Gass, Abraham Howard, Thomas Grubs, John Cowen, George Brackenridge, and Wil- liam Pogue, 13s. each,		17	11
To William Woods, lieutenant,		2	8
David Martin, ensign,		1	6
To Charles Wakefield, and William Martin, ser- jeants, 17s. 4d. each,		1	14 8



l. s. d.

To William Wakefield, Henry Wakefield, Charles Hughes, Langsdon Depriest, Aaron Hughes, John Depriest, James Glen, James Robertson, Charles Crawford, John Biggs, John M. Anally, Robert M. Whorter, and Richard Prior, 13s. each,	8	9	
To James Martin, Michael Morrison, James Morrison, and Adam Lackie, 10s. each,	2		
To Alexander M. Mulen, Lawrence Smith, Matthias Hughes, Michael Israel, and William Cartie, 16s. each,	4	00	00
To Robert Barnet, for horse hire,	1		
John Rucker, for provisions,		2	
Charles Ellis, for do.		5	8
To David Lewis, for conducting soldiers to Fredericksburg, and maintenance of one do.	3		
To John Been, for provisions,	2	18	9
To captain John Hunter, for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg,	6	16	
To Obadiah Woodson, the balance of his account for provisions, a horse, sundry necessities, and paid to several soldiers,	80	4	9
To Samuel Ridgway, jun. for a horse lost in the Shawnese expedition,	3		
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	l.	516	8 9

*To the Militia of the County of Bedford, and Provisions furnished by sundry Inhabitants of the said County, viz.*

l. s. d.

To John Phelps, as captain,	2	8	
Richard Callaway, lieutenant,	1	4	
Samuel Hairston, ensign,		16	
To John Hunter, William Edwards, Ambrose Bryant, serjeants, 10s. 8d. each,	1	12	
To James Callaway, John Talbot, James M. Ronolds, Joseph Looney, Robert Hairston, Nicholas Hays, Thomas Cooper, William Bumpass, David Rosser, Richard Tiths, Nathaniel Patterson, John Alston, John Martin, John Lawson, George Coldwell, William Hinton, Jon-			

l. s. d.

athan Jennings, John Brown, Archibald Campbell, Francis Siver, Ambus Bramlett, Robert Martin, William Chalmore, John Spurlock, Bartlet Henson, John Robertson, William Manley, William Twiddy, Isaac Buterworth, Joseph Ryon, James M. Murtry, Richard Philips, John Lawson, Samuel Gilbert, Daniel Gilbert, Pharoah Ryley, William Faqua, John Jackson, John Robertson, jun. Jacob Anderson, Patrick M. Dade, Christopher Sitton, John Hardman, and Charles Talbot, 8s. each,	17	12	
To captain Matthew Talbot,	58	14	
Thomas Prather, ensign,	10	16	
To William Simmons, serjeant,	8	9	4
To Gross Scruggs, and Meshach Haile, serjeants, 7l. 5s. 4d. each,	14	10	8
To George Haynes,	5	4	
John Richardson,	4	6	
Joshua Richardson,	5	1	
Evan Morgan,	4	5	
John Morgan,	5	5	
John Mackey, jun.	5	9	
James Mackey,	4	13	
William Haynes,	4	15	
To John Richardson, and William Morgan, 5l. 8s. each,	6	16	
To Thomas Morgan,	3	9	
William Yates,	2	18	
To Joseph Benning, John Benning, Samuel Arrenton, John Thomas, Richard Taylor, John Moore, and Zachariah Roberson, 1l. 14s. each,	11	18	
To Jonathan Richardson,	3	8	
John Grymes,	3	3	
John Pyburn,	3	13	
Thomas Hunt,	3	1	
Jeremiah Pate,		18	
John Pate,	3	7	
Matthew Pate,	1	3	
Anthony Pate,	1	8	
Jacob Pate,		7	
John Macky,		19	
John Casey,	2	3	
To John Loson, David Loson, William Lucks, Samuel Gilbert, James Bryan, William Layne, and Abraham Chandler, 15s. each,	5	5	



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To William Morgan, Jesse Bryan, Barnabas Arthur, George Hackworth, Merry Carter, and Daniel Richardson, 8s. each,	2	8	
To Robert Martin,	1	14	
Stephen Runnals,	1	9	
Stephen Towns,	1	7	
Barnabas Arthur, jun.	1		
To John Talbot, James Talbot, Augustine Leftwick, John Hall, and Christopher Munday, 10s. each,	2	10	
To James Millwood,	2		
John Snow,		12	
Abraham Smith,		18	
To James Spencer, Archelus McNeale, and John Vardeman, 17s. each,	2	11	
To William Arthur,	4	2	
Thomas Sexton,	2	10	
Moses Preston,	2	11	
Matthew Talbot, for provisions,	27	18	11
Charles Talbot, as lieutenant,	2	14	
Thomas Gilbert, ensign,		16	
To Daniel Gilbert, Benjamin Gilbert, John Hardiman, Richard Edwards, Elliot Lacey, Charles Harris, George Caldwell, and Head Lynch, 8s. each,	3	4	
To William Edwards, Jeremiah Pate, Jacob Pate, and John Pate, 16s. each,	3	4	
To Thomas Reade, John Brown, Acquiller Gilbert, Isaac Butterworth, Thomas Murry, Peter Rawlins, Robert Shipley, Robert Shipley, jun. Anthony Rawlins, and Patrick McDavid, 10s. each,	5		
To William Simmons,	1		
Zachariah Burnley,		4	
John Anthony, as lieutenant,	9		
Benjamin Hatcher, ensign,	6		
To Richard Andrews, serjeant,	4		
Richard Ragsdale, do.	3	1	4
To Isaac Brown, John London, John Mattox, Josiah Gibson, Peter Jones, Peter Ragsdale, George Abbott, Nathan Tate, William Tate, William Haynes, and James Mackie, 3l. each,	33		
To Robet Oglesby,	2	13	
To George Smith, and Sandiver Cashiah, 2l. 6s. each,	4	12	
To William Whitesite, and Henry Prunk, 39s. each,	3	18	
To Joseph Ray,	2	17	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
William Arthur,	1	17	
James Callaway, for provisions,	8	17	
John Anthony, do.	9	9	
Richard Woodward,	7	3	7
Stephen English, do.	7	3	
James Neely, do.	1	2	6
Thomas Morgan,	1		
Ralph Fuqua, do.	1	4	
Daniel Morris, do.		10	
William Mead, do.		6	8
William Boyd, do.		6	8
To Edward M. Daniel, assignee of Henry Ferguson, for horse hire,		7	6
To Joseph M. Daniel, assignee of William Crawford, for provisions,	1	3	6
To Thomas Tharman, for provisions, and 13 days service,		15	
To Adam Beard, for provisions,	7	1	3
Richard Callaway, as serjeant,		5	4
To Jeremiah Early, Jacob Henderson, Ambrose Bryan, Samuel Brown, James Fair, Charles Bright, John Watts, and John Handy, 4s. each,	1	12	
To Richard Callaway, for provisions,	11	6	9
Edward Bright, for do.	5	16	
Charles Bright, for do.	1	18	
James Turner, do.	4	11	8
William Meade, as lieutenant,	1	19	
Jeremiah Yarborough, ensign,		6	
Joseph Rentfroe, serjeant,		6	8
Thomas Prather, do.		4	
To Matthew Talbot, William Morgan, jun. James Board, John Morgan, David Preston, Evan Mor- gan, John Pyburn, John Wright, and George Grundy, 3s. each,	1	7	
To Moses Rentfro, Joseph Richardson, and William Fuqua, 6s. each,		18	
To Edward Choat,		9	
To Augustine Choat, Robert Pepper, Samuel Pep- per, Philip Preston, John Yates, John Robert- son, Pharoah Royley, Samuel Robertson, and George Thomas, 7s. each,	3	3	
To Daniel Richardson, George Adams, and James Moore, 5s. each,		15	
To Joseph M. Daniel,		10	



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Nathan Richardson, and Thomas Overstreet, 4s. each,		8	
To William Handy,		5	
William Meade, for provisions,	1	13	
Joseph Rentfroe, as lieutenant,	15	15	
To Robert Jones, William Carson, Stephen Rentfroe, John Anderson, William Davis, Edward Davis, Charles Cox, John Riley, William Puttrect, James Puttrect, James Rentfroe, Nathan Pot-tlet, Thomas Jones, and William Crabtree, 5 <i>l.</i> 5 <i>s.</i> each,	73	10	
To John Davis,	5	1	
James Corser,	3	7	
David Morse,		12	
To Rueben Keef, William Dilenham, Samuel Wood-ward, and Nathan Richardson, 3 <i>s.</i> each,		12	
To Joseph Rentfroe, for provisions,	46	3	6
Robert Hairston, for do.	2	5	4
William Crawford, for do.		4	6
Robert Ewing, for do.		12	
Joseph Crocket, for do.		10	
Nicholas Welch, for do.	5	2	4
Samuel Hairston, as lieutenant,	2	17	
Robert Hairston, ensign.	1	4	
James Patterson, Serjeant.	1	2	8
To Joseph M. Murty, Abraham M. Clelan, and Thom-as Oglesby, 12 <i>s.</i> each,	1	16	
To Andrew Hairston, and Patrick Hensey, 5 <i>s.</i> each,		10	
To Nathaniel Patterson, Serjeant.			
To William Manley, William Twedey, John Galla-way, David Rosser, and James Carson, 7 <i>s.</i> each,	1	15	
To Archibald Campbell, Edward Ohair, William Chalmor, James M. Runnals, John Thompson, Abraham Mitchell, Nicholas Hays, and John Pratt, 6 <i>s.</i> each,	2	8	
To Luke Murphy, George Adams, and James John-ston, 7 <i>s.</i> each,	1	1	
To Samuel Hairston, as ensign,	2	14	
John Hunter serjeant,	1	16	
James Patterson,	1	4	
To Thomas Oglesby, and John Neilson, 1 <i>l.</i> each,	2		
To James Morris, James Murphy, Luke Murphy, and Charles Simmons, 8 <i>s.</i> each,	1	12	
To John Daunn, and John Galloway, 13 <i>s.</i> each,	1	6	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To John Dixton, Joseph Murty, and Israel Young, 9s. each,	1	7	
To William Manly, William Tweedy, and George Adams, 12s. each,	1	16	
To Abraham Thompson,		11	
Henry Ferguson, for provisions,		7	10
Captain John Quarles,	42	6	
William Irvine, ensign,	4	6	
Ambrose Bramlett, serjeant,	2	17	4
John Robinson,	7		
William Bramlitt,	5	19	
William Nix,	6	12	
John Abston,	6	3	
William Anderson,	6	2	
Jesse Paty,	6	1	
Patrick Vance,	6	11	
Thomas Overstreet,	4	19	
William Stone,	2	5	
John Spurlock,	4	18	
George Smith,	4	2	
William Wooddie,	4	6	
Jonathan Ginnings,	2	8	
Thomas —right,	2	16	
To William Ragsdale, Nathan Tate, William Tate, Peter Ragsdale, Isaac Brown, John Mattocks, Peter Jones, and Sandesur Kesier, 4l. 19s. each,	59	12	
To George Abet, and Benjamin Hatcher, 2l. 15s. each,	5	10	
To John Mitchum,	6	11	
John Tinker,	2	5	
John Martain,	2	3	
Jonathan Jones,	2	12	
Thomas Daws,	1	17	
To William Morgan,	1	4	00
To James Board, and William Board, 2l. 14s. each,	5	8	
To John Mergin,	2	10	
Patrick Halloguan,	1	13	
John Mead, and Abel Mead, 32s. each,	3	4	
John Robinson,	1	5	
William Irvine, lieutenant,	14	14	
Ambrose Bramlett, ensign,	7	18	
To Josias Gipson, and Richard Andrews, serjeants, 6l. 12s. each,	13	4	
To James Alcorn,	1	17	
James Moore,	1	5	



	<i>l.</i>	<i>s.</i>	<i>d.</i>
John Haynes,			15
To Daniel M-Foll, and James M-Fall, 14s. each,	1	8	
To James Jones, and Josiah Ramsey, 11s. each,	1	2	
To John Pate,	1	10	
To Anthony Pate, and Jacob Pate, 20s. each,	2		
To Matthew Pate,		17	
David Irvine,	1	2	
Thomas Owens,		14	
To Patrick Johnson, John Patrick Burks, and Robert Jones,	1	10	
To James Callaway, Samuel Robinson, Hugh Crockett, and Thomas Baker, 12s. each,	2	8	
To John Orrack, and John Ward, 9s. each,		18	
To Jonathan Prater, and James Presnal, 8s. each		16	
To William Walker,		7	
To William Phelps, and William Montgomery, 5s. each,		10	
To Jeremiah Earley, lieutenant,	8	2	
To George Watts, and Edmund Fair, serjeants, 3l. 12s. each,	7	4	
To James Fair, Samuel Brown, James Callaway, Richard Woodard, sen. Charles Bright, Edward Bright, Richard Maples, John Jones, Richard Woodard, Richard Burks, William Burks, Boling Burks, William Woodard, John Woodard, James Orchard, and Edward Watts, 2l. 14s. each,	43	4	
To Richard Pritchard,	2	4	
John House,	1	17	
To Thomas Duly, James Duly, and Thomas Mac- lin, 31s. each,	4	13	
To James Wine,		16	
John Watts,		14	
Jeremiah Early, lieutenant,	8	11	
To George Watts, and Jacob Anderson, serjeants, 3l. 16s. each,	7	12	
To Edmund Fair, James Callaway, Samuel Brown, Richard Woodward, Charles Bright, James Fair, Edward Bright, Richard Maples, John Jones, Thomas Thirman, Richard Woodward, sen. and John Hughs, 2l. 17s. each,	34	4	
To James Bromlet,	2	14	
To Richard Burks, jun. William Burks, Boling Burks, Edward Watts, and James Orchard, 2l. 11s. each,	12	15	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To William Woodward, John Bush, John Woodward, Isaac Woodward, Michael Poore, and Richard Pritchard, 2 <i>l.</i> 6 <i>s.</i> each,	13	16	
To Andrew Poore,	1	16	
Jeremiah Early, for provisions,	7	17	8
To William Callaway, for provisions to militia and Indians,	61	2	6
To James Callaway, for provisions to Indians,	7	9	00
To Leonard Hall, for conducting Indians,	1	10	
To James Standerfield, for provisions for do.	4	8	6
To John Hues, for conducting Indians,	2		
To Charles Bright, for provisions for do.	1	13	
To Jeremiah Yarborough, for do.	1	10	
Henry Tate, for do.	1	15	
Joseph Rentfro, for do. to militia,	7	12	4
Thomas Dooley, for do.		14	
William Callaway, for do.	3	3	2
John Reade, for do.	5	3	10
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	<i>l.</i> 1101	12	9

*To the Militia of the County of Brunswick, and for provisions furnished by sundry inhabitants of the said County, viz.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain Edward Goodrich,	30	00	00
To Frederick Maclin, and John Parish, lieutenants, 15 <i>l.</i> each,	30		
To Vines Collier, and Jephtha Arthington, ensigns, 10 <i>l.</i> each,	20		
To Thomas Briggs, William Rose, Nathaniel Tatum, and John Tilman, serjeants, at 6 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> each,	26	13	4
To James Scott, drummer,	4	14	6
To Richard Gower, William Parsons, Isham Harris, William Bryan, James Hargrove, Robert Wall, Charles Wall, Peter Jackson, Frederick Glover, Thomas Mannin, Mark Jackson, Daniel Wall, Robert Peebles, William Foster, Zebulon Lewis, Jesse Brown, William Parham, Nicholas Fennell, Abram Martin, William Martin, John Ram-			



l. s. d.

sey, John Calton, Richard Ramsey, Benjamin Simpson, Thomas Connally, Thomas Haulcom, Edward Tatum, Moses Tomerlin, Samuel Jackson, Peter Freeman, Edward Freeman, Henry Jackson, Charles Gunter, John Carlile William Edwards, Elias Fowler, John Barnet, Richard Dobbins, Joel Smith, Daniel Collier, Samuel Russel, Robert Gee, jun. William Cooke, William Gaultney, Sampson Moseley, George Walton, jun. William Randolph, William Ledbetter, Samuel Sexton, William Ledbetter. jun. Nathan Harris. Robert Gaultney, Thomas Walton, John Moore, Robert Lanier, Thomas Denton, William Denton, Nathaniel Steed, Edmonds Barker, Lewis Barker, David Moss, James Linch, David Adam, Roger Tilman, William Upchurch, Thomas Nance, Thomas Ravenscrop, Michael Upchurch, John Upchurch, George Wall, Thomas Nance, John Hailes, Francis Mitchell, Tobias Moore, and Robert Nance, at 5 <i>l.</i> each,			375		
To David Kelly, and John Ray, 15 <i>s.</i> each,			1	10	00
To John Tilman, sen.			4	00	00
Joseph Parish,			4	10	
To John Woolsey, and Peter Sinclair, 1 <i>l.</i> 10 <i>s.</i> each,			3		
To George Brewer,				7	
John Hix,			1	18	
Drury Sims,			4		
Mark Rollins,			2	5	
To Captain Edward Goodrich, for provisions and cart hire,			17	4	5
To do. for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg,			8	11	
			<hr/>		
			l.	533	98 3

## CHESTERFIELD COUNTY.

			l. s. d.		
To Mr. Archibald Cary, for provisions,			27	16	00
To Robert Kennon, for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg, and for their subsistence,			14	5	
			<hr/>		
			l.	42	1 00

## CUMBERLAND COUNTY.

To captain Poindexter Mosby for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg,	l. 5   5   9
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## CAROLINE COUNTY.

To George Muse the balance of his pay as lieutenant-colonel of the first Virginia Regiment	6   10   00
To Benjamin Philips for an horse lost on the Shaw- nese expedition,	6
	l. 12   10   00

## CULPEPER COUNTY.

	l.	s.	d.
To Valentine Sevear for provisions,	3	10	8
Benjamin Davis, do.	2	12	4
John Strother, do.	1	8	
Joseph James do. for Indians,	2	1	4
David Johnston, do.		15	
Valentine Sevear, for horse hire,		15	
Michael Lawler, for provisions,	2		10
Richard Covington, for horse hire,	1	17	6
To William Slaughter, and Rueben Long, for do.		11	3
To John Parker, by colonel Martin's certificate,	18		
To William Lightfoot, for carrying drafts to Win- chester, as by account proved, and command of a company nine days,	10	16	3
To William Slaughter, lieutenant, 54 days. at 3s.	8	2	
To John Payton, serjeant, Richard Doggett, do. 3l. 12s. each,		7	4
To John Ballenger, John Field, Thomas Slaughter, Francis Brown, Anthony Strother, Francis Stro- ther, John Peyton, William Baker, William Ed- wards, Robert Scott, James Browning, Henry Stonsafer, William Wall, John Yancey, William Tutt, George Goggins, Nathaniel Parker, John Shingleton, Charles McQueen, John Cox, John Powell, John Berry, Thomas Ray, Joshua Sher- ril, 54s. each,			
	64	16	00



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Henry Bowen, for Provisions,	00	11	1 $\frac{1}{2}$
James Crumley, do.		5	4 $\frac{1}{2}$
Nathaniel Bell, do.		15	1
James Cunningham, do.	3	6	5 $\frac{1}{2}$
David Booth, do.	1	3	4 $\frac{1}{2}$
Jacob Hite, do.	2	1	3
Robert Cunningham, do.	2	4	2
To Reuben Long, William Underwood, Thomas Yeates, Jun. John Morgan, Hankinson Read, Richard Parker, Alexander Frazier, French Strother, Edward Bush, John Care, William Thornhill, James Story, William Poe, Oliver Towles, Samuel Pannell, John Banger, William Day, Peter Rucker, William Hopper, John Pabley, James Corder, John Chisum, Christopher Ziglar, Mark Hardin, Samuel Hensley, John Bradley, Richard Parks, Allen Wiley, John Witherhead, Edward Brown, Thomas Baker, Joseph Duncan, John Anderson, John Faver, Jun. William Collin, Francis Jacoby, William Robertson, John Duncan, William Nalle, Jun. John Cox, James Garrett, James Green, Peter Fleshman, Jacob Broil, 9s. each,	19	16	
To Lieutenant William Slaughter, from the 15th of May to the last of August, 1758, inclusive, being 109 days, at 3s.	16	7	
To Ensign Charles Yancy, the same time, at 2s.	10	18	
To Serjeant Hankinson Read, the same time, at 1s. 4d.	7	5	4
To Serjeant John Payton, do.	7	5	4
To Colonel Robert Slaughter, the pay of 40 men sent by order of Mr. President Blair, to garison Pattersen's Fort, the same time,	218		
To Richard Parks, going express to Winchester,	1	1	6
	<hr/>		
	<i>l.</i>	415	10 1

*ESSEX COUNTY.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Captain Forest Upshaw, for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg,			9

*l. s. d.*

To James Emerson, maintaining drafted soldiers in prison,

6

l. 15 00 00

*FREDERICK COUNTY.*

*l. s. d.*

To Archibald Ruddall, lieutenant,

3 6

Henry Selser, serjeant,

1 9 4

John Jones,

1 1

To Jeremiah Odle, Moses Job, Reudy Mank, George Bennet, Jonathan Odle, and James Thruston, 17s. each,

5 2

To Patrick M·Kenny,

1 2

To Richard Mank, Henry Mank, and Daniel Mank, 17s. each,

2 11

To Henry M·Kenney,

1 2

To Nathaniel Bailey, Peter Bailey, and William Cross, 15s. each,

2 5

To Richard Murphy,

17

Thomas Speak, as ensign,

8

Charles Littleton, serjeant,

5

To Daniel Johnston, Stephen Suthard, Edward Linsey, Josiah Springer, Jacob Pricket, Stephen Stradler, Charles Colson, John Hampton, Samuel Mason, Peter Petanger, Francis M·Cormick, Thomas Alfort, Richard Stearman, and Thomas Linsey, 4s. each,

2 16 00

To Robert Pearis,

12

Thomas Speake, lieutenant,

6

John Horden, ensign,

4

To William Matthew, and John Stephenson, *l. 2 13s. 4d.* each,

5 6 8

To John Vance, James Meamack, James Morris, William Hall, William Miller, Benjamin Foolam, William Locard, Thomas Linsey, Levi Jones, Edward Martin, Josiah Springer, Mark Hardin, Solomon Burkem, Samuel Stubbs, Gilbert Gorden, George Bell, Charles Colson, James Grigson, George Rice, John Miller, William Jacobs, Joshua Ewings, and Thomas Conaly, *l. 2* each,

46

To Isaac Lindsey, David James, and Edward Tummens, 39s. each,

5 17

To Owen Wingfield,

1 5

Walter Shirley,

1 14



	<i>l.</i>	<i>s.</i>	<i>d.</i>
Robert Goosberry,	1	16	
Jarvis Shirley,	1	14	
To John Parke, and Isaac Thomas, <i>l.</i> 2 each,	4		
To James Jack, and Hugh Johnston, 3 <i>ss.</i> each,	3	6	
To James Jones,	1	3	
Francis Maginis,	1	5	
Joseph Lyon,		11	
Joseph M <sup>c</sup> Dowell, as lieutenant,	1	7	
John Allen, ensign,		18	
James Ireson, serjeant,		12	
To Thomas Allen, Andrew Blackburn, William Stephenson, John M <sup>c</sup> Gill, Benjamin Blackburn, Isaac White, Matthew Harbison, William Blackburn, Bryan Money, James Hughes, Joseph Fleming, William White, John Young, Joseph Taucett, John Capper, David Williams, Leonard Cooper, Joseph Carroll, John Cook, William Wilson, Samuel Vance, Andrew Vance, James Huston, William Hughes, and John Cooper, 9 <i>s.</i> each,	11	5	
To Thomas Speak, captain,	2	14	
John Hardin, lieutenant,	1	4	
Magnus Tate, ensign,		14	
Charles Littleton, serjeant,		12	
John Champain, do.		9	4
To Daniel Johnson, Stephen Suthard, James Lindsey, Thomas Lindsey, Jacob Pricket, Thomas Price, Robert Stewart, Stephen Johnson, Isaac Lindsey, John Regan, Edward Timons, John Hampton, John Colston, Solomon Littleton, Thomas Robinson, Edward Degell, 9 <i>s.</i> each,	7	4	
To Francis M <sup>c</sup> Crimar, Gasper Bewtoole, Hugh Stephenson, Edward Haven, John Hudson, Benjamin Fullom, John Vance, John Stephenson, Josiah Combs, James Morris, 8 <i>s.</i> each,	4	00	00
To John Laman, James Legat, John Dickson, Holaway Perry, Joseph Pierce, Henry Vanmeter, Lawrence Lendar, Edward Mergee, Joseph Vanmeter, Jacob Mergee, Remembrance, Williams, Joseph Polson, William Fiell, Nicholas M <sup>c</sup> Intire, Edward Lucas, Robert Buckus, Benjamin Sweet, John Taylor, and Anthony Turner, 7 <i>s.</i> each,	6	13	00
To Robert Cropper, for a horse for Indians,	4		
To John Allen, lieutenant,	1	4	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
James Iresen, ensign,			6
George Wright, serjeant,		10	8
To William Hughes, Bryan Money, John Magill, James Hugh, James Huston, John Cooper, 8s. each,	2	8	
To James Camp,		7	
To Richard Hankins, John Cook, Andrew Vance, Samuel Vance, John Duckworth, Joseph Green- way, Joseph Wattbroke, Anthony Danlevy, 8s.	3	4	
To William Wilson,		3	
John Vance,		7	
Will Elimus Ghink Doctor,		4	
Jesse Jackson,		7	
To Samuel and Andrew Blackburn, administrators of John Blackburn, for provisions,	2		
To John Mendenhall, for do.	2	4	8½
James Jack, for do.	4	6	
John Shearer, for do.	1	7	10
James Magill, for do.		19	6
Edward Sningers, for do.	2	5	9
Robert Stockdale, for do.	3	8	4½
Van Swearingen, for do.	5		3
Isaac Pearce, for do.		13	8
To James Magill, for the estate of William Nealy, for do.	7	8	8
To Edward Stroud, for do.	2	16	8½
To Lewis Stephens, for horse hire and provisions,	7		10
To Isaac Perkins, for do.	7	5	7
Evan Watkins, for do.	1	10	
John Philips, for do.	1	15	
	<hr/>	<hr/>	<hr/>
	<i>L.</i> 218	17	6½

## FAIRFAX COUNTY.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Nicholas Minor, captain,	15	12	00
Josias Clapham, lieutenant,		7	16
William Trammell, ensign,		5	4
To Charles Martin, Francis Summers, Jesse Mar- tin, serjeants, 3 <i>l.</i> 9 <i>s.</i> 4 <i>d.</i> each,	10	8	
To Edward Hardin, John Donaldson, William Cal- vin, Samuel Philips, James Thomas, William			
C 2—VOL. 7.			



*l. s. d.*

Darns, Joshua Meaks, John Wren, William Short Ridge, Samuel Jenkins, Samuel More, Richard Pell, William Bowling, Philip Merchant, George Valendingham, Robert Bowling, Isaac Hussey, Benjamin Williams, Moses Howard, James Robinson, John Davis, Thomas Jenkins, Abraham Stiff, Joseph Adams, Joseph Bradley, Thomas Cartwright, Francis Awbrey, Joshua Claypole, William O'Daniel, Thomas Saunders, Edward Rice, William Cottrill, John Car, Simon Shoemaker, John Shore, Joseph Martin, Peter Wilson, William Jackson, William M'Coy, Henry Townsend, Thomas Morgan, Thomas Ray, William Massey, Franklin Perry, George Shoemaker, 2 <i>l.</i> 12 <i>s.</i> each,	117	00	00
To captain James Hamilton, his pay and guards subsistence carrying soldiers to Winchester,	10	4	1
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	<i>l.</i> 166	4	1

*GOOCHLAND COUNTY.*

	<i>l. s. d.</i>
To Mr. John Payne, for provisions to Indians,	3 8 00
To William Pryor, do.	3 8
Walter Lake, for horse hire,	2 6
William Rutherford, for provisions,	12 4
To colonel Charles Lewis, for do. to Indians,	3 19
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	<i>l.</i> 8 5 6

*GLOUCESTER COUNTY.*

To John Wyatt, for carrying drafted soldiers to Fredericksburg, in 1756,	<i>l.</i> 11 5 6
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*HALIFAX COUNTY.*

	<i>l. s. d.</i>
To colonel Abraham Maury, for pay to lieutenant Thomas Green, and a party of militia under the command of the said Green, in Hallfax, as by muster-roll,	42 1

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To do. for pay to Thomas Spragin as a lieutenant, and a party of the militia of the said county under the command of the said Spragin, as by muster-roll,		5	10
To do. for pay to captain Robert Wooding, and a company of militia of the said county, under the command of the said Wooding, as by muster roll,	82	19	
To do. for pay to James Dillard as a lieutenant, and a party of militia of the said county, under the command of the said Dillard, as by muster-roll,	102	4	8
To do. for pay to captain Peter Wilson, and a company of militia of the said county, under the command of the said Wilson, as per muster-roll,	33	3	4
To Thomas Callaway, as ensign,		16	
To Thomas Edwards, Edward Perego, John Lewis, Peter Manin, John Childers, William Simmons, Huncrest Scarlock, and John Wade, 7s. each,		2	16
To John Hickie, for provisions to Indians,	17	11	5
To do. for a horse for do.		5	10
To John M. Grigger, for provisions for do.	18	13	3
To colonel Abraham Maury, for 28 days service, in riding to the forts and settling townships,		14	
To do. for riding from Williamsburg to Halifax, with Mr. President's instructions, 150 miles,		2	10
To do. for 10 days riding to Williamsburg, and attending on the committee to settle militia accounts,		5	00 00
To captain Robert Wade, jun. for pay to himself, his officers, and a company of militia of the said county under his command, as by muster-roll,	475	8	6
To do. for provisions,	99	2	5
do. for horse hire,		7	10
To William Griffith, for provisions,		1	1 6
To colonel Abraham Maury for pay to captain James Dillard, and a company of militia of the said county, under the command of the said James Dillard, as by muster-roll,	414	11	4
To captain James Dillard for horse hire, &c.		2	8
To John Frederick Miller, for provisions,	12	9	7
To Hamon Crite, for do.	12	13	8
To captain Thomas Callaway,		6	18
William Edwards, lieutenant,		3	9
Hugh Harris, ensign,		2	6



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To James Elkin and John Edwards serjeants, 50s. 8d. each,	3	1	4
To John Harris, John Rice, Thomas Norton, Thomas Fern, John Harris, Jun. John Wade, Benjamin Croley, Richard Moore, Archibald Thompson, John Blevins, Clement Lee, Wells Ward, Nathaniel Hendley, John Sturd, James Sturd, William Blevins, Jun. Josiah Cox, Ningum Prator, Nehemiah Prace, John Blevins, Sen. William Asher, and John Garcer, 23s. each,	25	6	
To William Rickle,	1	5	
To Joseph Morton, John Lindsey, William Murfee, and George Young, 4s.	16		
To John Sillivant, and William Seales, 7s. each,	14		
To Daniel Durbin, Edward Peregoy, William Ratcliff, Silas Ratcliff, and William Satterwhite, 12s. each,	3		
To John Frederick Pickle, and Daniel Newman, 6s. each,	12		
To James Blevins,	15		
To John Talbot, Thomas Wollin, and Pearce Gwin, 8s. each,	1	4	
To William Cox, and William Blevins, Sen. 9s. each,	18		
To John Williams,	14		
To Nathaniel Terry the balance of his pay for attending militia, and building three Forts,	29	10	
To do assignee of William Fuqua, for provisions to Indians,	3	8	
To William M <sup>c</sup> Daniel, do.	3	18	8
John Cook, do.	1	13	2
William Dillingham, do.	1	10	6
Adam Lovin,	2	5	9
John Confey, do. and for horse hire,	5	13	
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## HANOVER COUNTY.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Captain Christopher Hudson for pay to him, his officers and company, to the last day of August, 1758, inclusive, from the time of inlisting,	302	10	2
To do for provisions,	17	1	6

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To William Huson, for cart hire,	10	10	
To Christopher Hudson, paid for a guide,		18	
To David Henderson, for digging a well at fort Dunlop,		15	
To captain George Pitt, for his pay, and the pay of his guards, conducting drafted soldiers to Fredericksburg.		7	
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	<i>l.</i>	<i>s.</i>	<i>d.</i>
	538	14	8

*HENRICO COUNTY.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Thomas Mosely, for provisions,	3	16	1
To do. for his pay, and the pay of the guards, conducting drafted soldiers to Fredericksburg,	6	10	
To Messieurs Coutts and Crosse, assignees of James Hollis, for two horses lost in the Shawnese expedition, appraised to		9	
	<hr/>		
	<i>l.</i>	<i>s.</i>	<i>d.</i>
	19	6	1

*JAMES-CITY COUNTY.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain William Vaughan for his pay, and the pay of the guards conducting drafted soldiers of this county and Williamsburg to Fredericksburg,	6	14	
To John Grainger, for maintaining soldiers in goal,	1		
To Josiah Chowning for a horse impressed,		2	6
To John Valentine, for provisions, &c. to Indians,		7	
To George Holmes, for ferriages of Indians,	1	5	9
	<hr/>		
	<i>l.</i>	<i>s.</i>	<i>d.</i>
	9	9	3

*KING-GEORGE COUNTY.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain William Rowley for his pay, the pay of the guards, and for subsistence, conducting drafted soldiers to Winchester,	15	5	6
To William Lightfoot, for provisions and ferriages,	9	11	10



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Moses Hopwood, for provisions,		4	4
To colonel Charles Carter, for arms, &c. bought of Mr. William Cunninghame, for the use of the mi- litia, and left in the service of the country,	38	18	10
	<hr/>		
	<i>l.</i>	64	00 6

## LOUISA COUNTY.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain Samuel Waddy, his pay, and the guards, and for subsistence, conducting drafted soldiers to Fredericksburg,	12	7	3
To James Overton, as ensign,		10	
To Henry Dickenson, Clifton Rhodes, Jeduthon Harper, James Robinson, Zenus Tate, Thomas Jones, Nicholas Meriwether, and Humphry Bick- ley, 5s. each,		2	
To William Howard, for provisions to Indians,	1	12	8
To Mr. Tomas Walker, contractor for victualing the rangers and militia in Augusta,	549	12	9
	<hr/>		
	<i>l.</i>	566	2 8

## LOUDOUN COUNTY.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain Nicholas Minor,	1	00	00
Æneas Campbell, lieutenant,		7	6
Francis Wilks,	1	17	
James Willock,	1	15	
To John Owsley, and William Stephens, 15s. each,	1	10	
To Robert Thomas,		10	
John Moss, Jun.		4	
John Thomas, for provisions,		5	
John Moss, do.		2	8
William Ross, do.		2	
	<hr/>		
	<i>l.</i>	7	13 2

## LUNENBURG COUNTY.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain John Cargill,	12	00	00
Cornelius Cargil, Jun. lieut.	6		
William Hunt, ensign,	4		
Bryan Coker, serjeant,	2	13	4
John Flin, do.	2	12	
Joseph Coker,	2		
John Ashworth,		11	
M. Kerness Goode,	1	5	
Samuel Ashworth,	1	19	
Isaac Ashworth,	1	14	
James Bardin,	2		
William Blanks,	1	19	
Daniel Cargill,	2		
To Joel Elam, James Flin, and Philip Goode, 39s. each,	5	17	
To John Hight,	1	14	
William Hudson,	2		
To James Hudson, Richard Hudson, Francis Linsey, and Henry Prewitt, 39s. each,	7	16	
To Alexander Strange,	1	14	
John Ragsdale,	1	19	
Augustine Rowland,	1	14	
To John Thompson, and William Tibbs, 39s. each,	3	12	
To Henry Wade,	2		
Aaron Williams,	1	14	
Thomas Dandy,	1	1	
John Cargill, Jun.	2		
To Edward Darby, John Lucas, and Joseph Huse, 39s. each,	5	17	
To William Caldwell, major, as captain,	5	2	
To Richard Dudgeon, lieutenant,	2	2	
John M. N. ss, ensign,	1	8	
William Dudgeon, serjeant,		18	8
Andrew Rogers, do.	1	2	8
To Thomas Daugherty, John M. Connal, Talton East, and Leonard Keeling 17s. each,	3	8	
To James Vernon,		14	
To Thomas Howle, Barned Roberson, and David Logan, Jun. 17s. each,	2	11	
To John East,		14	
To William East, William Cunningham, James Ross, Robert Sanders, John Ward, Thomas Keasy, Thomas Moore, and William Dixon, 17s. each,	6	16	



l. s. d.

To Thomas Pollett, John Caldwell, Mathew Watson, Robert Caldwell, and Hezekiah Jarrott, 14s. each,	3	10	
To John Orr, Robert Martin, James Caldwell, John Vernor, Richard Berry, Richard Adams, James Martin, Daniel Slayton, William Anderson, George Levil, and Tarrance M. Daniel, 12s. each,	6	12	
To William Philby, Edward Shipley, and John Gregory, 5s. each,		15	
To James Doherty,		17	
Thomas Boldin, as lieutenant,		12	
Jacob Womack, as ensign,		8	
Samuel Morton, serjeant,	5	4	
To Abraham Vaughn, Peter Young, David Maddox, Thomas Jones, Francis Moore, John Hankins, James Fauster, Gabriel Ferrill, John Acuff, John Hall, Thomas Smith, Peter Hamlin, Thomas Hamlin, Nathan Adams, David Perryman, John Perrin, Thomas Williams, John Williams, Daniel Handcock, Thomas Hall, Isaac Munday, Richard Hicks, jun. John Worsham, and William Skelton, 4s. each,	4	16	00
To Abraham Martin,	33	6	
William Stokes, lieutenant,	16	1	
James Guillum, ensign,	2	14	
Thomas Jones, do.	1	16	
Thomas Jones, serjeant,	1	16	
Joshua Wharton, ensign,	6	10	
Peter Hamblin, serjeant,	5	12	
William Poole, do.	4	6	8
James Lett, do. in Poole's stead,	2	8	
Peter Hamlin,	1	7	
James Lett,	3	11	
To Gabriel Ferrill, James Fauster, James Worshorne, John Williams, John Perrin, Nathan Adams, Thomas Smith, and John Davis, 5l. 11s. each,	44	8	
To James Cooper, James Norrell, and Thomas Hill, 5l. 7s. each,	16	1	
To William Eastis,	4	2	
To Robert Lark, John Abraham Degranch, John Mannin, Aaron Drummon, Frass Atkins, Edward Atkins, Henry Stokes, Richard Ward, Ben-			

	<i>l.</i>	<i>s.</i>	<i>d.</i>
nett Hallaway, Thomas Bell, James Spread, William Ashley, and Francis Norrell, 5 <i>l.</i> 7 <i>s.</i> each,	69	11	
To John Ather,	4	8	
To Thomas Leftwich, and Merry Carter, 4 <i>l.</i> 7 <i>s.</i> each,	8	14	
To Henry Snow, William Leftwitch, and John Hall, 4 <i>l.</i> 6 <i>s.</i> each,	12	18	
To Hezekiah Hall, and Aquilla Hall, 4 <i>l.</i> 5 <i>s.</i> each,	8	10	
To Jacob Matthews,	5	7	
John Hains,	4	3	
Thomas Pate,	2	7	
James Daulton,	3	10	
John Lett,	2	4	
Micajah Scoggins,	2	3	
Richard Jones,	2	1	
Stephen Hatchill,	3	6	
To John Pollert, and William Parsons, 17 <i>s.</i> each,	1	14	
To Alexander Richey, and William Harvey, 22 <i>s.</i> each,	2	4	
To David Parish,	1	4	
Thomas M'Cormack,	1	3	
James Thweat,	1	6	
Nance Hitchcock,	19		
Zachariah Dodd,	8		
To Clement Read, for paid lieutenant Hunt his wages,	5	15	
To do. for paid James Taylor,	20		
To do. for 29 days in purchasing provisions for the Forts in Halifax and Augusta, at 10 <i>s.</i>	14	10	
To do. for his account of expences in said service,	6	5	3
To do. for 9 days to Bedford and Halifax, at 10 <i>s.</i>	4	10	
To do. for his expences in said service,	15	10	
To do. for paid James Roberts, for necessaries for soldiers,	1	12	10
To do. for paid David Cloyd, for beef,	1		
To do. for paid John Austin's wages, one year,	18	5	
To do. for dieting do. one year, at 6 <i>d.</i> per day,	9	2	6
To do. for 10 days in settling accounts with commissioners, &c.	5		
To Pinkithman Hawkins, captain,	39	12	
William Mitchell, lieutenant,	19	16	
John Colson, ensign,	13	4	
Jacob Gunson, serjeant,	8	16	
To William Farrar, and Charles Knight, serjeants,	8	13	4
To John Hammons and John Mitchell, do.	6	13	4



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To William White, Edmond Hames, John Twitty Matthews, Samuel Glass, Adam Thomson, Wil- liam Townsend, <i>l.</i> 6 12s. each,	39	12	
To Lawrence Matthews, and Nathan Richeson,	6	12	
Henry Sage,	6	12	
Henry Talley, Jun.	3	2	
John Hammons,	1	12	
To John Coleman, and Charles Allen, Jun.	5	3	
To Charles Knight,	2	4	
To Peter Knight, William Monroe, Richard Ham- blet, Samuel Wilson, James Henderson, John Bray, John McNeal, John Warren, Richard Ragsdale, James Vaughan, and William Comer, <i>l.</i> 6 8s. each.	70	8	
To William Parham, and Vachel Dillingham,	5	6	
To William Howard, Ephraim Hudson, and James Kidd, <i>l.</i> 5 6s. each,	15	18	
To Nathan Ellis and Reuben Keith,	5	6	
To James Ellis and William Dillingham,	5	6	
To George Benn, Arthur Matthews, and John Fann, <i>l.</i> 5 6s.	15	18	
To captain Pinkithman Hawkins for his pay, and the pay of the guards, and for subsistence, conduct- ing drafted soldiers to Winchester,	60	9	9
To Thomas Williams, for horse hire,	1	6	3
To Thomas Waller, for provisions,		4	6
To Liddal Bacon, for horse hire,	1		
To Benjamin Dixon, for provisions,		4	8
David Caldwell, for waggonage,	10	7	
Robert Caldwell, do.	13	4	6
Erwin Paterson, do.	39	13	6
Richard Dudgeon, do.	10	7	
John Rodgers, do.	13	4	6
Andrew Martin, do.	10	7	
Thomas Joyce, do.	13	4	6
John Caldwell, do.	9	15	6
John Dudgeon, do.	13	4	6
John Murfy, for horse hire,	14		
To Benjamin Clement, for taking care of a wound- ed soldier,	3		
To Joshua Chafin, for damage done to an horse im- pressed,	12	6	
To David Caldwell, do.	18		

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Clement Reade, for corn for the use of the Cherokees,	1	5	
To David Gwinn, for do. for soldiers,		8	
To Richard Ward, for damage done a mare impressed,	3	5	
To Joel Towns, for do.		4	
Richard Stith, do.		10	
Thomas Covington, do.	1	1	6
Robert Caldwell, for waggonage,		8	
To David Caldwell, for waggonage, provisions, and a guard,	10	6	6
To John Logan for shoeing horses, for Catawbias, and provisions for do.		11	6
To James Roberts for provisions for Cherokees,	1	11	9
To John Camp, for do. do.	10		
To Pinkithman Hawkins for bounty money, paid a Volunteer Soldier,		5	
To John Cargill, for damage done to his horse on an express,	1	2	6
To Joseph Austin for Waggonage,		6	18
To John Cargill for attending 5 days to guard a township in Halifax,		1	10
To Clement Reade, for provisions,	38		10
To do. for necessaries furnished to militia,	4	17	10
To Jacob Womack, serjeant,		1	
To John Worsham, John Hankins, John Hall, Robert Hall, William Russell, Francis Moore, and Abraham Womack, 15s. each,		5	5
To John Mitchell,			13
	<hr/>		
	<i>l.</i>	<i>s.</i>	<i>d.</i>
	1074	5	11

## MIDDLESEX COUNTY.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain Christopher Curtis for his pay, and the pay of the guards, conducting drafted soldiers to Fredericksburg, and for their subsistence,		6	17
To William Molson, for maintaining drafted soldiers in prison,		1	14 4
	<hr/>		
	<i>l.</i>	<i>s.</i>	<i>d.</i>
	8	11	4



*NANSEMOND COUNTY.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain Edward Wright for his pay, and the pay of the guards, conducting drafted soldiers to Fredericksburg, and for their subsistence,	34	13	4

*NORTHAMPTON COUNTY.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain John Haggoman for his pay, and pay of the guards, conducting drafted soldiers to Fredericksburg,	8	5	
To Michael Dixon, and John Pigot for their pay as lookouts, from the 14th day of June, 1757, till the 12th day of September, 1758, <i>l.</i> 14 17s. each,	29	14	
	<hr/>		
	<i>l.</i> 37	19	00

*NORTHUMBERLAND COUNTY.*

To John Heath for his pay, and the pay of the guards, conducting drafted soldiers to Fredericksburg,	7	3	6
To major William Taite, for conducting drafted soldiers to Fredericksburg, in 1756,	4	2	6
	<hr/>		
	<i>l.</i> 11	6	00

*NEW-KENT COUNTY.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain Charles Crump for his pay, and the pay of the guards, conducting drafted soldiers to Fredericksburg,	2	14	
To Thomas Morton, for an horse lost in the Shaw-nese expedition,	7		
	<hr/>		
	<i>l.</i> 9	14	00

*PRINCESS-ANNE COUNTY.*

To captain Christopher Wright for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg, and for soldiers maintenance in prison,	<i>l.</i> 19	12	00
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*PRINCE-EDWARD COUNTY.*

	<i>L.</i>	<i>s.</i>	<i>d.</i>
To Henry Watkins, ensign, for pay to himself, two serjeants, and 16 men, militia of the said county, as by muster-roll,	80	13	
To do. for horse hire for expresses,	1	17	
To do. for salt,	1	15	
To Charles Gilliam for horse hire,	13	9	
John Cloyd, for provisions,	9		
Samuel Ewings for do. to Indians,	16	4	
James Wimbish, for do. to do.	1	5	4
To captain Philemon Halcomb, pay for himself and guards carrying drafted soldiers to Fredericksburg,	6	9	4
To Mr. John Nash, for provisions,	20	7	8
To captain John Nash, jun. for the pay of his company from the 8th of June, 1757, till the 8th day of July following,	82	8	
	<hr/>		
	<i>L.</i>	<i>196</i>	<i>14 5</i>

*PRINCE-GEORGE COUNTY.*

	<i>L.</i>	<i>s.</i>	<i>d.</i>
To colonel Richard Bland, paid for provisions to Indians and ferriages,	4	1	4
To captain Richard Bland, jun. for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg,	8	3	
	<hr/>		
	<i>L.</i>	<i>12</i>	<i>4 4</i>

*PRINCE-WILLIAM COUNTY.*

	<i>L.</i>	<i>s.</i>	<i>d.</i>
To colonel Henry Lee, for the pay of captain William Tebbs, and captain Thomas M. Clanaham's companys of militia, to the 30th day of August, 1758, inclusive, as by muster-roll,	479	6	4
To captain Thomas M. Clanaham, for his pay, and the pay of the guards conducting drafted soldiers to Winchester,	2	4	
To do. for an horse killed upon an express,	12		
To Thomas Atwell, for provisions,	1		



	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Thomas Blackmore, for do. to Indians,	1	7	4
To Charles Morgan, for do.		4	
John Duncan, for do.	1		4
Catharine Holzelaw, for do.		10	
Tilman Weaver, for horse hire,	1		
John Embers, for provisions,		6	
Robert Montgomery, for do.		2	
Richard Coventon, for provisions,	1	1	10
To John Markham, corporal, for 66 days service,	4	2	6
To Francis Braunough, an express,		16	8
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	<i>l.</i> 56	1	00

*RICHMOND COUNTY.*

To the executors of Moore Fantleroy, deceased, for carrying drafted soldiers to Fredericksburg, in 1756,	<i>l.</i> 3	3	8
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*SURRY COUNTY.*

To captain William Seward, jun. for the balance of his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg,	2	3	6
To Robert Gray, for provisions to Indians,	3	17	4
To William Cocke, for do.		15	4
	<hr/>		
	<i>l.</i> 6	16	2

*SUSSEX COUNTY.*

To captain James Wyche for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg,	<i>l.</i> 7	9	00
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*SOUTHAMPTON COUNTY.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain Peter Butts for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg,		8	8
To Mr. Benjamin Simmons for victualling drafted soldiers in goal, and for the bounty paid to two Volunteers,		13	18
	<hr/>		
	<i>l.</i> 22	6	1

*SPOTSYLVANIA COUNTY.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain Thomas Estis for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg,	1.	3	8 00

*STAFFORD COUNTY.*

To captain Withers Conway for his pay, and the pay of the guards conducting drafted soldiers to Winchester, and for subsistence,	1.	17	2 6
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*WESTMORELAND COUNTY.*

To captain John Newton for his pay, and the pay of the guards conducting drafted soldiers to Fredericksburg,	8	1	
To major John Martin, for carrying drafted soldiers to Fredericksburg, in 1756.	4	13	
	1.	12	14 00

*YORK COUNTY.*

To captain Robert Shield for his pay, and the pay of the guards conducting the drafted soldiers of this county, and of Warwick county to Fredericksburg,	9	1	
To doctor James Carter, for cutting off and curing a soldier's arm,	10		
To major John Prentis, for carrying drafted soldiers to Fredericksburg, in 1756,	18	3	6
	1.	37	4 6



## CHAP. II.

*An Act for appointing commissioners to examine and state the accounts of provisions, and the pay of the militia, and of the damages done the inhabitants of this colony by the Cherokee and Catawba Indians, and for other purposes therein mentioned.*

Commissioners to ascertain pay and subsistence of militia, and damages done by Cherokees and Catawba Indians.

I. WHEREAS several accounts, for the pay of the militia drawn out into actual service, and the provisions supplied the said militia, and the Indians who have come to the assistance of this colony; and for the damage done to the inhabitants by those Indians, and for the pay of the officers and guards who conducted the drafted soldiers to Fredericksburg and Winchester, remain unsettled by this present general assembly, for want of proper vouchers and certificates; and it will be a great saving to the colony to have commissioners appointed in the country to settle and adjust the same: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That* Gabriel Jones, John Maddison, and Thomas Lewis, gentlemen, be, and they are hereby appointed commissioners for the counties of Hampshire, Augusta, and Hanover; William Cabbell, junior, John Nicholas, and Samuel Jordau, gentlemen, commissioners for the county of Albemarle; Clement Read, Abraham Maury, and Richard Witton, gentlemen, commissioners for the counties of Bedford, Halifax, and Lunenburg; Henry Lee, Henry Peyton, Thomas Slaughter, and William Green, gentlemen, commissioners for the counties of Prince-William, Stafford, Orange, and Culpeper; John Hite, James Wood, and Robert Rutherford, gentlemen, commissioners for the county of Frederick; and Peter Legrand, Thomas Tabb, and John Nash, gentlemen, for the counties of Amelia, and Prince-Edward. to examine, state, and settle the accounts for provisions and pay of the militia of the county, or counties of which they are appointed commissioners, respectively, and for provisions for the Indians who have come to the assistance

of this colony, and for the damages done by those Indians to the inhabitants of those counties, respectively, and for the pay of the officers and guards who conducted the drafted soldiers of the said counties to Fredericksburg or Winchester, and that William Prentiss, Thomas Everard, and James Cocke, gentlemen, be, and they are hereby appointed commissioners to examine, state, and settle all other accounts of the pay of such officers and drafts; and that the said commissioners for the said counties of Hampshire, Augusta, Albemarle, Lunenburg, Culpeper, Prince-William, Bedford, Halifax, and Frederick, respectively, or any two of them, shall, and they are hereby empowered and required to meet, for the purposes aforesaid, at such times and places as they shall respectively think fit and convenient, of which time and place public notice shall be advertised at the court-house of each respective county, at least one month before such meeting; and the said commissioners for the several other counties shall meet at such time as they shall think fit, of which public notice shall be given in the Virginia Gazette at least one month before such meeting, and to adjourn from time to time until they shall have settled all the accounts herein before mentioned and directed to be settled by them respectively; and shall have power to call all persons concerned in settling the said accounts before them, and to administer an oath or oaths to any person or persons for their better information in the premisses: And that the said commissioners, or any two of them, shall certify the accounts for provisions, and for the pay of the militia, so by them examined, stated, and settled, to the governor or commander in chief for the time being: And the said commissioners, or any two of them, shall also certify the accounts, together with the vouchers and certificates of the damages done by the said Indians to the inhabitants of the said counties respectively, to the next general assembly after the settlement of the said accounts: And the said commissioners are hereby directed, in stating and settling the said accounts, to allow no more than half pay to a captain and a lieutenant, where it shall appear their companies consisted of less than forty men; and to allow clerks and artificers, employed by captains or lieutenants, no more than soldiers pay, except such artificers were absolutely necessary.



II. And whereas several accounts, referred to a committee constituted by an act of assembly, intituled, An Act for granting an aid to his majesty, for the better protection of this colony, and for other purposes therein mentioned, remain unsettled: *Be it further enacted, by the authority aforesaid, That the said committee be, and the same is hereby discharged from proceeding any further in the settlement of such accounts; and that the before named William Prentis, Thomas Everard, and James Cocke, gentlemen, be, and they are hereby constituted and appointed commissioners to examine, state, and settle the same.*

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### CHAP. III.

*An Act for erecting a town on the land of Lewis Stephens, in the county of Frederick: For enlarging the town of Winchester, and for erecting a town on the land of Nicholas Minor, in the county of Loudoun.*

Town of  
Stephens-  
burg esta-  
blished.

I. WHEREAS it hath been represented to this present general assembly, that Lewis Stephens being seised and possessed of nine hundred acres of land, near Opeccan, in the county of Frederick, hath surveyed and laid out forty acres, part thereof into lots of half an acre each, with proper streets for a town, and hath caused a plan thereof to be made, and numbered from one to eighty inclusive, and hath annexed to each of the said lots numbered 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, five acres of land, and to each of the remaining sixty lots ten acres of land, part of the said nine hundred acres: All which lots, with the lands annexed thereto, are purchased by different persons who are now settling and building thereon, and humbly desire that the same may be by act of assembly erected into a town, and that they may enjoy the like privileges as freeholders and inhabitants of other towns in this colony

do enjoy: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said nine hundred acres of land, so surveyed and laid off by the said Lewis Stephens, be, and the same is hereby erected and established a town, and shall be called by the name of "Stephensburgh: And that the freeholders and inhabitants of the said town shall for ever hereafter enjoy the same privileges as the freeholders and inhabitants of other towns erected by act of assembly, in this colony, do enjoy.

11. And whereas by an act of assembly, made in the twenty fifth year of his present majesty's reign, a town was established at Winchester, in the said county of Frederick, which daily increases in inhabitants, and James Wood, of the said county, gentleman, having laid off one hundred and six acres of his land, contiguous to the said town of Winchester, into lots and streets, hath petitioned this present general assembly that the same may be added to, and made part of the said town of Winchester; and that the purchasers of the said lots may enjoy the like privileges and advantages as the freeholders and inhabitants of the said town do enjoy: *Be it therefore enacted, by the authority aforesaid,* That the said one hundred and six acres of land, so laid out as aforesaid, by the said James Wood, shall be added to, and made part of the said town; and that the freeholders and inhabitants thereof, shall have and enjoy all the rights and privileges that the freeholders and inhabitants of the said town of Winchester now enjoy.

Winchester  
enlarged.

111. And whereas Nicholas Minor, of the county of Loudoun, gentleman, hath laid off sixty acres of his land, adjoining to the court-house of the said county, into lots, with proper streets for a town, many of which lots are sold, and improvements made thereon, and the inhabitants of the said county have petitioned this general assembly that the same may be erected into a town, *Be it therefore enacted, by the authority aforesaid,* That the land so laid off into lots and streets, for a town, by the said Nicholas Minor, be and the same is hereby erected and established a town, and shall be called by the name of Leesburg; and that the freeholders and inhabitants thereof shall for ever hereafter enjoy the same privileges which the inhabitants of other towns, erected by act of assembly, now enjoy.

Leesburg es-  
tablished.



IV. And whereas it is expedient that trustees should be appointed to regulate the buildings in the said towns of Stephensburg, Winchester, and Leesburg: *Be it therefore enacted, by the authority aforesaid.* That the right honorable Thomas, Lord Fairfax, Thomas Bryan Martin, esquire, James Wood, Lewis Stephens, Gabriel Jones, John Hite, John Dooe, Isaac Perkins, Robert Rutherford, and Philip Boush, gentlemen, be constituted and appointed trustees of the said towns of Stephensburg and Winchester, and they, or any five, or more of them, are hereby authorized and empowered, from time to time, and at all times hereafter, to settle and establish such rules and orders for the more regular and orderly building of the houses in the said towns as to them shall seem best and most convenient: And that the honorable Philip Ludwell Lee, esquire, Thomas Mason, esquire, Francis Lightfoot Lee, James Hamilton, Nicholas Minor, Josias Clapham, Æneas Campbell, John Hugh, Francis Hague, and William West, gentlemen, be constituted and appointed trustees for the said town of Leesburg; and they, or any five, or more of them, are hereby authorized and empowered, from time to time, and at all times hereafter, to settle and establish such rules and orders for the more regular and orderly building of the houses in the said town of Leesburg as to them shall seem best and most convenient: And in case of the death or removal, or other legal disability of any one or more of the trustees before mentioned, it shall and may be lawful for the surviving or remaining trustees of the said towns of Stephensburg, Winchester, and Leesburg, respectively, from time to time, to elect and chuse so many other persons in the room of those so dead, removed, or disabled, as shall make up the number of ten; which trustees, so chosen, shall to all intents and purposes be vested with the same power as any other in this act particularly named.

## CHAP. IV.

*An Act for continuing an act, intituled, An Act for reducing the several acts for making provision against invasions and insurrections into one act.*

I. WHEREAS the act of assembly made in the thirtieth year of his present majesty's reign, intituled, *An Act for reducing the several acts for making provision against invasions and insurrections, into one act*, will expire on the eighth day of June next; and it being necessary and expedient that the said act should be continued: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited act of assembly, and every clause and article thereof, shall continue and be in force from and after the said eighth day of June next, for and during the term of one year from thence next following, and no longer.*

Act making provision against invasion and insurrections, further continued.

## CHAP. V.

*An Act for preventing fraudulent gifts of Slaves.*

I. WHEREAS many frauds have been committed by means of secret gifts made, or pretended to have been made, of slaves, by parents and others, who have notwithstanding remained in possession of such slaves as visible owners thereof, whereby creditors and purchasers have been frequently involved in expensive lawsuits, and often deprived of their just debts & purchases: For prevention whereof, *Be it enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act no gift of any slave or slaves shall be good or sufficient to pass*

Preamble.

Gifts of slaves must be by will, or deed proved and recorded.



any estate in such slave or slaves to any person or persons whatsoever, unless the same be made by will, duly proved and recorded, or by deed in writing, to be proved by two witnesses at the least, or acknowledged by the donor, and recorded in the general court or the court of the county where one of the parties lives, within eight months after the date of such deed or writing.

Former gifts  
how to be  
confirmed.

II. *And be it further enacted, by the authority aforesaid,* That all gifts, without will or deed in writing, heretofore made of any slave or slaves, where the possession hath not been delivered in consequence of such gift, shall be void, unless the same be confirmed by will or deed in writing by the donor, or in case he be dead his heir, or the person that would be entitled to such slave or slaves if such verbal gift had not been made, and proved by two witnesses, or acknowledged by the party, and recorded in the general court, or the court of the county where one of the parties lives, within two years after the passing of this act; and where any person hath been in the actual possession of any slave or slaves, by virtue of any gift, for the space of five years next before the passing of this act, the same shall be good and effectual to secure the right, title, and property in such slave or slaves.

How verbal  
gifts may be  
reduced  
to writing.

III. *And be it further enacted,* That if any person or persons, who before the passing of this act, have or hath made any verbal gift of any slave or slaves before witnesses, and such slave or slaves hath not since come into the possession of a bona fide purchaser, or in case such donor be dead, his heir, or the person that would be entitled to such slave or slaves, in case such verbal gift had not been made, shall refuse to make a deed in writing to confirm such gift, in order that the same may be recorded according to the directions of this act, in such case it shall be lawful for the donee, his agent or attorney, or if he or she shall be an infant, his or her guardian or next friend, at any time within the said two years after the passing of this act, to summon the witness or witnesses present at the making such gift to the court of the county where such donor, heir, or other person lives, of which notice shall be given to such donor, heir, or other person, at least ten days before the sitting of such court, there to give testimony of such gift; and if thereupon it shall appear to such court that the gift was made, the said

court shall order the testimony and notice to be recorded, which shall be as effectual to establish such gift as if a deed in writing was made by the person to whom notice was so given, and recorded as aforesaid.

IV. *Provided always*, That if any person to whom any such verbal gift hath been made be an infant, feme-covert, or out of the colony at the time of passing this act, such person shall be at liberty to procure a confirmation of such gift by either of the methods herein before mentioned, at any time within two years after such disability shall be removed. Proviso.

V. *Provided also*, That nothing in this act shall extend, or be construed to extend, so as to alter the property of any slave or slaves, which by the judgment or decree of any court within this colony hath been adjudged to belong to any person or persons, nor so as to affect the title of any slave or slaves concerning which any suit shall be depending in any court at the time of passing this act, but that all such judgments and decrees shall remain, and such suits shall be heard and determined upon the laws now in force, in like manner as if this act, and the act herein after repealed, had never been made. Former adjudications not affected.

VI. *And be it further enacted, by the authority aforesaid*, That the secretary and county court clerks, respectively, shall be entitled to a fee of twenty pounds of nett tobacco for recording every such deed, for slaves only, and no more. Pee for recording deeds.

VII. *And be it further enacted*, That one act of assembly made in the thirtieth year of the reign of his present majesty, intituled, An Act for preventing fraudulent gifts of slaves, and all and every other act, as to so much thereof as is contrary to any thing within the purview of this act, shall be, and the same is hereby repealed. Repealing clause.



## CHAP. VI.

*An Act to enable the inhabitants of this Colony to discharge their public dues, officers fees, and other tobacco debts, in money, for the ensuing year.*

Tobacco  
debts pay-  
able in mo-  
ney.

At what rate.

I. IT being evident, from the prodigious diminution of our staple commodity, occasioned by the unseasonableness of the weather in most parts of the colony, that there will not be tobacco made to answer the common demands of the country; and it being certainly expedient at all such times to prevent, as much as possible, the distresses that must inevitably attend such a scarcity: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That it shall and may be lawful to and for any person or persons, from whom any tobacco is due by judgment, for rent, by bond, or upon any contract, or for public, county, or parish levies; or for any secretary's, clerks, sheriffs, surveyors, or other officers fees, or by any other ways or means whatsoever, to pay and satisfy the same either in tobacco, according to the directions of the act of assembly, intituled, An Act for amending the staple of tobacco, and preventing frauds in his majesty's customs, or in money, at the rate of sixteen shillings and eight pence for every hundred pounds of nett tobacco, and so in proportion for a greater or lesser quantity, at the option of the payer; and the sheriffs and other collectors shall, and they are hereby required to receive the same from any person or persons in discharge of any such levies and officers fees: and the sheriffs or other collectors of the levies and fees aforesaid, shall account with, and pay to the persons entitled to the same, in proportion to their several demands, all tobacco and money which they shall receive in payment of such levies and fees, which shall discharge such sheriffs and collectors from any other demands for such levies and fees, any law to the contrary thereof notwithstanding.

Proviso.

II. *Provided always,* That nothing herein contained shall extend, or be construed to extend, to any pub-

lic, county, or parish levies, or officers fees now due, or hereafter to become due, in any county where by law the inhabitants of such county are now impowered to discharge the same in money.

III. *Provided also*, That nothing herein contained shall extend to any contract made for tobacco before the passing of this act, where the money or goods given for such tobacco have been bona fide paid at a greater rate than sixteen shillings and eight pence per hundred, as aforesaid, but that all such contracts shall be discharged in tobacco according to the terms of such contracts, or in money according to the price really given for such tobacco, together with the lawful interest arising on the same to the time of paying the same, at the option of the person or persons from whom the tobacco would have been due, had this act never been passed. Further proviso.

IV. *And be it further enacted*, That this act shall continue and be in force for one year, and no longer. Limitation of act.

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## CHAP. VII.

*An Act for repealing an act, intituled, An Act for the more effectual preventing and repelling the hostile incursions of the Indians at enmity with the inhabitants of this colony.*

I. WHEREAS the act of assembly, intituled, *An Act for the more effectual preventing and repelling the hostile incursions of the Indians at enmity with the inhabitants of this colony*, hath been found not to answer the purposes thereby intended, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same.* That the said recited act of assembly shall be, and the same is hereby repealed. An Act giving rewards for Indians' scalps repealed.



# LAWS OF VIRGINIA.

## CHAP. VIII.

*An Act for further continuing an act, intituled, An Act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned.*

Act for regulating and collecting officers fees, further continued.

I. WHEREAS the act of assembly, made in the nineteenth year of his present majesty's reign, intituled, *An Act for the better regulating and collecting certain officers fees, and other purposes therein mentioned*, which hath been continued by two other acts, made in the twenty-second and twenty-fifth years of his majesty's reign, will expire on the twelfth day of April next: And it being necessary that the same should be further continued. *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said act of assembly, intituled, An Act for the better regulating and collecting certain officers fees, and other purposes therein mentioned, shall continue and be in force from and after the said twelfth day of April next for and during the term of one year from thence next following, and no longer.*

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## CHAP. IX.

*An Act for appointing a Treasurer.*

Preamble.

I. WHEREAS by one act of assembly, made in the twenty-ninth year of his present majesty's reign, John Robinson, esquire, was appointed treasurer of the revenues arising from the duty upon liquors and slaves, laid and imposed by one act of assembly made in the nineteenth year of the reign of his present majesty, intituled, *An Act for reducing the laws made for laying a duty upon liquors into one act of assembly; and by one other act, made in the twenty-second year of*

his said majesty's reign, intituled, An Act for continuing the ac., intituled, An Act for reducing the laws made for laying a duty upon liquors into one act of assembly; and also by one act, made in the twenty-fifth year of his said majesty's reign, intituled, An act for continuing a clause of an act of assembly therein mentioned; and also by one other act of the same session, intituled, An Act for reviving the duties upon slaves, to be paid by the buyers, for a term therein mentioned, and of all other monies payable to the treasurer of this colony for public uses by virtue of any other act or acts of assembly: To hold the said office of treasurer so long as he should continue speaker of the house of burgesses, and from the time of his being out of that office until the end of the next session of assembly.

II. And whereas the said first mentioned act will expire at the end of this session of assembly, and it being expedient that a treasurer should be appointed: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, John Robinson, esquire, shall be, and is hereby nominated, constituted, and appointed treasurer of the revenue arising from the duties laid by the before recited acts of assembly, and of all other public monies payable to the treasurer of this colony for public uses, by virtue of any other act or acts of assembly, to hold the said office so long as he shall continue speaker of the house of burgesses, and from the time of his being out of the said office, to the end of the next session of assembly; and the said John Robinson is hereby authorized, empowered, and required to demand, receive, and take of and from the several collectors of the said duties all and every the sum and sums of money arising by force and virtue of the said acts, or any or either of them, and shall apply and utter the same to and for such uses, and upon such warrants as by the said acts for laying the said duties, or by any other act or acts of assembly is or shall be appointed or directed, and shall be accountable for the said money to the general assembly.*

John Robinson, esq. appointed treasurer.

III. *And be it further enacted, by the authority afore said. That the salary of five pounds in the hundred, or so much as is or shall be by any special act or acts*

Salary.



of assembly allowed and limited, and so proportionably for a greater or lesser sum, shall be allowed and paid to the said treasurer hereby appointed, out of all and every the sum and sums of money by him received and accounted for to the general assembly as aforesaid; and that there shall be also allowed to the said treasurer for auditing and settling the accounts of inspectors of tobacco, during the continuance of the laws in that behalf made, the sum of one hundred and fifty pounds per annum for his trouble and service therein.

Bond and security

IV. *Provided always*, That the said treasurer, before he enters upon his office, shall give such sufficient security as shall be approved of by the governor or commander in chief of this colony, in the sum of ten thousand pounds, for the due answering and paying all the money by him from time to time to be received as aforesaid.

Vacancy, how supplied.

V. And to the end a treasurer may not be wanting, in case of the death, resignation, or disability of the treasurer hereby appointed: *Be it further enacted*, That in either of these cases it shall and may be lawful for the governor or commander in chief of this colony, with the advice of the council, for the time being, to appoint some other fit and able person to be treasurer of the duties, to hold the said office with all powers, authorities, salaries, and profits aforesaid, until the end of the next session of assembly; which treasurer, so appointed, shall, before he enters upon his office, give the like security as is herein before directed.

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## CHAP. X.

### *An Act for settling the inspectors salaries and the rents of the public warehouses for the ensuing year.*

Inspectors' salaries, and rents of public warehouses, reduced, for the present year.

I. WHEREAS the salaries of the several inspectors of the public warehouses are more than sufficient to compensate them for their trouble and service in inspecting the short crop of tobacco that will be made this present year, and will be a great expence and un-

necessary burthen to the public: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the twentieth day of October next the salaries directed to be paid to the inspectors at the several public warehouses for the inspection of tobacco shall be, and are hereby discontinued, and in lieu thereof the said inspectors shall retain to their own use three shillings for every hogshead of crop tobacco, and five shillings for every hogshead of transfer tobacco which shall be delivered by them respectively, after the said twentieth day of October next, over and above the six-pence allowed for nails for every hogshead of transfer tobacco; out of which nevertheless they shall pay to the proprietors of the said warehouses eight pence for every hogshead of tobacco that shall be delivered out of such warehouses within the time aforesaid.

Salaries.

II. *And be it further enacted, by the authority aforesaid,* That the proprietors of all warehouses which have a certain and established rent by law, shall, instead of such rent, receive eight pence for every hogshead of tobacco delivered as aforesaid, and no more.

Rents.

III. *Provided nevertheless,* That the several inspectors shall account for, and pay to the treasurer all sums of money arising by the said three shillings and five shillings per hogshead, over and above their salaries established by law, and the eight pence per hogshead due to the proprietors of the several warehouses.

Inspectors to account.

IV. *And be it further enacted, by the authority aforesaid,* That this act shall continue and be in force from and after the said twentieth day of October next until the twentieth day of October one thousand seven hundred and fifty-nine, and no longer.

Limitation of act.

## CHAP. XI.

*An Act for dissolving the vestry of Hamilton parish, in the county of Prince-William.*

I. WHEREAS several vestrymen of the parish of Hamilton, in the county of Prince-William, have re-

Vestry of Hamilton pa-



ish in Prince  
William dis-  
solved.

signed their seats in the vestry of the said parish, and others who have been elected in their room have refused to act, and the members of the said vestry have petitioned this present general assembly that the said vestry may be dissolved: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the aforesaid vestry be, and the same is hereby dissolved; and that all and every act and acts, thing and things, which at any time hereafter shall or may be done, performed, or suffered by the said vestry of the said parish shall be absolutely void and of none effect.*

II. *And be it further enacted, by the authority aforesaid, That the free-holders and house-keepers of the said parish shall meet at some convenient time and place to be appointed, and publicly advertised by the sheriff of the said county, at least one month before the twentieth day of November next, and then and there elect twelve of the most able and discreet persons of their said parish to be vestrymen thereof, which said vestrymen, so elected by virtue of this act, having, in the court of the said county of Prince-William, taken and subscribed the oaths appointed to be taken by one act of parliament, made in the first year of the reign of his late majesty king George the first, intituled, An Act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia (being protestants) and for extinguishing the hopes of the pretended Prince of Wales, his open and secret abettors; and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall to all intents and purposes be deemed and taken to be the vestry of the said parish of Hamilton; and upon the death, removal, or resignation of any of the said vestrymen, so to be elected, the remaining vestrymen shall be, and they are hereby impowered to chuse and elect another vestryman in the room of such vestryman so dying, removing, or resigning.*

## CHAP. XII.

*An Act for vesting certain lands therein mentioned in Philip Johnson, gentleman, adding the same to the City of Williamsburg, and for other purposes therein mentioned.*

1. WHEREAS John Robinson, esquire, is and stands seized of divers lands and tenements, in the parish of Bruton, in the county of James-City, in trust, as to one moiety thereof for the use of Philip Johnson, gentleman, during his natural life, and after his decease, in trust, and to and for the use of such child or children as he now hath or may have by Elizabeth his present wife, daughter of Thomas Bray, gentleman, deceased, to whom he shall give or devise the same by deed or will, subject nevertheless to the dower of the said Elizabeth; and as to the other moiety thereof, in trust, and to and for the use of the said Philip Johnson, his heirs and assigns for ever, in case he shall pay unto such child or children of him and the said Elizabeth all and every such sum and sums of money as the said Elizabeth, notwithstanding her coverture, shall, by any deed or instrument in writing, duly executed by her, give, direct, and appoint, according to the proviso; and his covenant contained in an indenture of release, bearing date the twenty second day of October, one thousand seven hundred and fifty-one, made between the said Philip Johnson and Elizabeth his wife, of the one part, and the said John Robinson of the other part, which indenture is now remaining on record in the secretary's office, but in case he shall not pay such money, then in trust, and to and for the use of such child or children, as aforesaid, to whom the said Elizabeth, by such deed or instrument in writing, shall give, direct, and appoint the same; and in case the said Elizabeth shall execute no such deed or instrument, then in trust, and to and for the use of the said Philip Johnson, during his natural life, and after his decease, in trust, and to and for the use of such child or children as the said Philip Johnson now hath or hereafter may have by the said Eli-

Certain lands held by John Robinson, esq. in trust, vested in Philip Johnson.



zabeth, to whom he shall give or devise the same by deed or will as aforesaid, and to the heirs and assigns of such child or children, subject nevertheless to the dower of the said Elizabeth.

And added  
to the city of  
Williams-  
burg.

II. And whereas it hath been represented to this general assembly by the said Philip Johnson, That he hath laid off seventeen acres and twenty-six poles of the said trust land, adjoining the southern bounds of the city of Williamsburg, into thirty lots, which he is desirous may be added to and made part of the said city: And the said Philip Johnson being seized in fee-simple of forty-three acres of land, with the appurtenances, late the estate of one John Baskersfield, lying in the said parish of Bruton, and county of James-City, contiguous to the said trust lands, and of greater value than the said seventeen acres and twenty-six poles so laid off into lots, which he is willing should be settled in lieu thereof: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said seventeen acres and twenty-six poles of land, adjoining the southern bounds of the said city of Williamsburg, shall be, and the same are hereby vested in the said Philip Johnson, his heirs and assigns; and that the said forty-three acres of land, with the appurtenances, lying in the said parish of Bruton, and county of James-City, late the estate of the said John Baskersfield, shall be, and the same are hereby vested in the said John Robinson, his heirs and assigns, in trust, and to and for the same uses that he is and now stands seized of the residue of the said trust lands.

III. *And be it further enacted, by the authority aforesaid,* That the said seventeen acres and twenty-six poles of land, so laid off by the said Philip Johnson into lots, adjoining the said city of Williamsburg, so soon as the said lots shall respectively be built upon, and saved according to the conditions that shall be contained in the deeds of conveyance thereof, shall be added to and made part of the said city; and the freeholders and inhabitants of the said lots shall then be entitled to, and enjoy all the rights, privileges, and immunities granted to and enjoyed by the freeholders and inhabitants of the said city, and shall be subject to the same jurisdiction, rules, and government with the other inhabitants of the said city.

## CHAP. XIII.

*An Act for paying the Burgesses wages for the last and this present session of assembly in money.*

I. WHEREAS by one act of assembly, made in the third and fourth years of the reign of his present majesty, intituled, An Act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, That when any session of assembly should be thereafter held, and upon examination of the treasurer's account, it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the burgesses wages, and the salaries and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the said payment, a balance of one thousand five hundred pounds at the least, then every burgess, elected and serving for a county or corporation within this dominion, should be paid out of the public money the sum of ten shillings for each day he should serve in the house of burgesses, with such further allowances, and under such restrictions and regulations as in the said act is at large directed.

Burgesses  
wages pay-  
able in mo-  
ney.

II. And whereas upon examination of the treasurer's accounts it appears that there is not monies sufficient in his hands to pay the burgesses wages for the last and present session of assembly, leaving in the hands of the treasurer a balance of one thousand five hundred pounds according to the directions of the said act: Nevertheless, as the payment of the said wages in money, in this time of great scarcity, will be a great ease to the poorer sort of people, by lessening the levy by the poll, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the burgesses wages for the last and the present session of assembly shall be paid by the treasurer, out of the public money in his hands, according to the directions and regulations in the said recited act mentioned, any thing in the said act to the contrary thereof in any ways notwithstanding.*





ANNO REGNI

GEORGI II,

Regis Magnæ, Britanniæ, Franciæ, et  
Hiberniæ, tricesimo secundo.

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*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the fourteenth day of September, in the thirty-second year of the reign of our sovereign lord George II. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith. &c. and in the year of our Lord 1758; and from thence continued by prorogation to Thursday the ninth of November,\* in the year of our Lord 1758; and then held at the Capitol, in Williamsburg; being the second session of this assembly.*

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CHAP. I.

*An Act to amend an act, intituled, An Act for the defence of the frontiers of this colony, and for other purposes therein mentioned.*

I. WHEREAS by an act passed at the last session of assembly, intituled, An Act for the defence of the

Act for defence of frontiers amend-

\* This was September, in the printed act; but it was a mistake, and corrected in the margin, by inserting November. The preceding session was in September.



frontiers of this colony, and for other purposes therein mentioned, it is among other things enacted, That a sum, not exceeding fifteen thousand pounds, shall be paid and accounted for, in the manner as in the said act is directed, for the subsistence and pay of the first regiment, part of the said forces, from the first day of December to the first day of May following: With a proviso, That the said regiment, during that time, shall be stationed in small parties or detachments upon the frontiers of this colony, and be employed in ranging thereon, for the better protection thereof; and if the said regiment shall be detained or prevented by any authority whatsoever from returning to this colony after the said first day of December, or shall not after their return be employed in the service aforesaid, their pay and subsistence hereby given shall cease, and the said regiment shall not be deemed or taken to be in the service or pay of this colony, any thing in the said act to the contrary notwithstanding. With a further proviso, That during the time aforesaid the chaplain, adjutant, quarter-master, and fort-major, shall not be continued in the said regiment; that there shall be but one colonel to the said regiment, and that no allowance shall be made to the said colonel for the expence of his table.

Fort Du  
Quesne, a-  
bout to be  
attacked.

Governor  
may contin-  
ue forces  
longer in ser-  
vice.

II. And whereas the said regiment, and the other forces in the pay of this colony, in conjunction with his majesty's regular forces, are now on their march to attack the enemy at Fort Du Quesne, and the withdrawing the said regiment at such a juncture may not only be of the most dangerous consequence to the said colony, but also occasion the defeat and total loss of the regular forces now on that expedition: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the governor or commander in chief of this colony shall have full power and authority to continue both the regiments now in the pay of this colony under the present establishment and regulation, and employ them in such manner and on such service as he shall judge most conducive to his majesty's interest and the safety of this colony, till the first day of January next, any thing in the said recited act to the contrary, or seeming to the contrary, notwithstanding.

III. *Provided always,* That the soldiers in the second regiment shall not be obliged or compelled to continue in the service longer than the first day of December, and shall then be at liberty to quit the said service without being subject to the penalties inflicted by law for desertion.

How long  
soldiers in  
2d regiment  
may be con-  
tinued.

IV. *And be it further enacted, by the authority aforesaid,* That John Robinson, esquire, treasurer, or the treasurer for the time being, appointed by or pursuant to an act of assembly, out of the public money that shall come to his hands, shall pay to such person or persons as shall be directed by warrant from the governor or commander in chief of this colony for the time being, so much money as shall be necessary for the pay of the said second regiment from the first day of December to the said first day of January next.

Appropriation.





ANNO REGNI

# GEORGI II,

Regis Magnæ Britanniae, Franciæ, et  
Hiberniæ, tricesimo secundo.

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*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the fourteenth day of September, in the thirty-second year of the reign of our sovereign lord George II. by the grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the year of our Lord, 1758; and from thence continued by several prorogations to Thursday the twenty-second of February, in the year of our Lord, 1759; and then held at the Capitol in Williamsburg; being the third session of this assembly.*

Francis Fauquier, esq. governor.

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## CHAP. I.

*An Act for granting an aid to his majesty, for the better protection and defence of this colony, and for other purposes therein mentioned.*

I. WHEREAS it is necessary, for the defence and protection of the frontiers of this colony, that the regiment in the pay of this colony be compleated: *Be it*



The number  
of officers  
and men.

*therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said regiment shall be compleated to one thousand private men, including that part of the said regiment now in garison at Pittsburg; and shall consist of ten companies, under the command of a colonel, lieutenant-colonel, major, seven captains, twenty lieutenants, and ten ensigus; and there shall be allowed the said forces a chaplain, pay-master, adjutant, quarter-master, one surgeon, & three surgeon's mates. And for defraying the expence of recruiting, clothing, victualling, and subsisting of the said forces, until the first day of Decombor next, Be it further enacted, That John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of assembly, out of the public money that shall come to his hands by virtue of this act, shall pay to such person or persons as shall be directed, by warrant from the governor or commander in chief of this colony for the time being, so much money as will be necessary for the purposes aforesaid, so that the sums so to be paid do not exceed in the whole the sum of twenty-eight thousand pounds, to be accounted for to the general assembly.*

Governor  
impowered  
to employ  
them as the  
commander  
in chief of  
the forces  
shall direct.

II. And whereas it may be for his majesty's service, as well as for the benefit and security of this colony, that the said regiment be employed offensively against the enemy on this continent: *Be it further enacted, by the authority aforesaid, That the governor or commander in chief for the time being if he shall think it convenient or necessary, may order and direct the said regiment to march out of this colony to join any of his majesty's forces, and be employed as the commander in chief of his majesty's forces on this continent shall appoint and direct.*

An additional  
number of  
men to be  
raised.

III. And whereas it may be of dangerous consequence to leave the frontiers of this colony exposed to incursions of the enemy during the time the said regiment may be employed in such offensive operations: *Be it further enacted, by the authority aforesaid, That an additional number of five hundred men shall be raised, to be divided into five companies, under the command of a lieutenant-colonel, four captains, ten lieutenants, and five ensigus; and employed for the protection of the subjects on the said frontiers, as the*

governor or commander in chief shall from time to time direct; and shall not be incorporated with the regiment aforesaid, joined with the king's forces, employed to garison Pittsburg, or sent out of this colony upon any pretence whatsoever.

IV. And for the more speedy raising the said men, *Be it enacted, by the authority aforesaid,* That it shall and shall and may be lawful to and for the officers appointed for that purpose, by the governor or commander in chief, to enlist so many men, willing to enter into the said service, as are required to be raised by this act; and every person so enlisting into the said regiment shall receive from the officer enlisting him the sum of ten pounds; and every person enlisting in the other service aforesaid shall receive from the officer enlisting him the sum of five pounds; and every such officer shall be allowed, over and above the rewards so to be paid by him, all his necessary expences in the enlisting such persons and conveying them to the place of general rendezvous.

Enlisting money.

V. And for defraying the expence of raising, clothing, subsisting, and victualling the said five hundred men, until the first day of December next: *Be it further enacted,* That the said John Robinson, or the treasurer for the time being, appointed as aforesaid, out of the money that shall come to his hands by virtue of this act, shall pay to such person or persons as shall be directed by warrant from the governor or commander in chief for the time being, so much money as shall be necessary for the purposes aforesaid, so as the sums so to be paid do not exceed in the whole the sum of sixteen thousand pounds, to be accounted for to the general assembly.

The sum for the additional number of men.

VI. And whereas it will be very troublesome to the governor or commander in chief to examine and settle the accounts of the several charges and expences of the said forces, *Be it therefore enacted, by the authority aforesaid,* That William Prentis, James Cocke, and Thomas Everard, gentlemen, shall be, and they are hereby appointed commissioners to examine, state and settle such accounts, relating to the expences of the said forces, as shall from time to time be referred to them by the governor or commander in chief for the time being; and each of the said commissioners shall be allowed for their trouble therein the sum of seventy-five pounds.

Commissioners named.



Money to be  
raised for  
different  
purposes.

VII. And whereas there is not money sufficient in the hands of the treasurer to pay the book of claims, and the arrears due to the militia, and damages done by the Indians, a particular account of which arrears and damages hath been stated and settled by the committee of public claims: *Be it therefore enacted, by the authority aforesaid,* That the said treasurer, or the treasurer for the time being, appointed as aforesaid, shall, out of the money that shall come to his hands by virtue of this act, pay to the several persons named in the said account and book of claims the sums of money to which they are hereby respectively entitled.

The taxes.

VIII. And for raising the money hereby given and granted, *Be it enacted, by the authority aforesaid,* That a tax or duty of two shillings shall be paid for every tithable person in this colony, to the sheriff of the county where such person shall be enlisted, by the person enlisting the same, on or before the tenth day of April, one thousand seven hundred and sixty-five: And the further tax or duty of two shillings shall be paid, in like manner, for every such tithable person, on or before the tenth day of April, one thousand seven hundred and sixty-six: And the further tax or duty of four shillings shall be paid, in like manner, for every such tithable person, on or before the tenth day of April, one thousand seven hundred and sixty-seven; which said taxes or duties shall be paid, collected, and accounted for, in such manner and form, according to such rules, and under such penalties and forfeitures as are mentioned, prescribed, and appointed for the paying, collecting, and accounting for the tax or duty imposed on tithables, payable in the years one thousand seven hundred and sixty-one, and the three next following, by one act of assembly made in the thirty-first year of the reign of his present majesty, intituled, An act for granting an aid to his majesty, and for other purposes therein mentioned: And that every article, rule and clause contained in the said act, concerning the paying, collecting, and accounting for the duties thereby imposed in the said years one thousand seven hundred and sixty-one, and the three next following, shall be used, exercised, and put in practice for paying, collecting, and accounting for the taxes or duties hereby imposed, as if the like articles, rules, and clauses were inserted in this act.

IX. *And be it further enacted, by the authority aforesaid,* That a duty of two shillings for every hogshhead of tobacco, passed and delivered out at and from the several warehouses in this colony, between the twentieth day of October, one thousand seven hundred and sixty-four, and the twentieth day of October, one thousand seven hundred and sixty-seven, shall be paid by the owner or proprietor thereof, which said duty the several inspectors at the said warehouses shall, and they are hereby impowered and required to collect and receive, without fee or reward, of and from the said owners or proprietors, before they deliver such tobacco out of their respective warehouses, and shall be by them accounted for, upon oath, and paid to John Robinson, esquire, treasurer of this colony, or to the treasurer for the time being, appointed by or pursuant to an act of assembly, and shall be accounted for, together with the taxes on the tithables imposed by this act, by the said treasurer to the general assembly, after deducting two per centum for his salary in receiving and paying the same.

Export duty  
on tobacco.

X. And whereas the taxes imposed by this act cannot be collected in time to answer the purposes hereby intended, *Be it enacted, by the authority aforesaid,* That it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury notes to answer the demands that shall be made upon him for the purposes aforesaid, so as the whole sum of such notes so to be issued shall not exceed the sum of fifty two thousand pounds; which several notes shall be prepared, printed and engraved in such form, and after such method as the said treasurer shall judge will be most safe from counterfelts and forgeries: And two thousand of the said notes shall be of the value or denomination of five pounds; and shall be signed by Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman: Two thousand of the said notes of the value or denomination of three pounds; and shall be signed by the said Peyton Randolph, and Robert Carter Nicholas: Two thousand of the said notes shall be of the value or denomination of two pounds; and shall be signed by the said Peyton Randolph, and Robert Carter Nicholas: Fifteen thousand of the said notes shall be of the value or denomination of twenty shillings; and shall be signed by Benjamin Waller and Philip Johnson, gentle-

Treasury  
notes.

The signers  
names.



men: Fifteen thousand of the said notes of the value or denomination of ten shillings; and shall be signed by the said Benjamin Waller and Philip Johnson. Twenty thousand of the said notes of the value or denomination of five shillings; and shall be signed by John Randolph, esquire: Twenty thousand of the said notes of the value or denomination of two shillings and sixpence; and shall be signed by the said John Randolph: Seventeen thousand seven hundred and seventy-eight of the said notes of the value or denomination of one shilling and three pence; and shall be signed by George Braxton, gentleman: And seventeen thousand seven hundred and seventy-eight of the said notes of the value or denomination of one shilling; and shall be signed by the said George Braxton.

Remedy  
where any of  
the signers  
die.

*XI. And be it further enacted, by the authority aforesaid, That in case of the death or absence of any of them, the said Peyton Randolph, Robert Carter Nicholas, Benjamin Waller, Philip Johnson, John Randolph, or George Braxton, before all the treasury notes shall be signed which are hereby required to be signed by such person, in that case it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to appoint some other person to sign such notes in the room of him so dead or absent, which signing shall be as effectual to all intents and purposes as if such notes were signed by the persons herein named; and public notice of such alteration shall be given by the treasurer in the Virginia Gazette for three weeks after such alteration shall take place.*

Overlookers  
of the press.

*XII. And be it further enacted, That John Palmer and George Davenport, gentleman, shall, and they are hereby appointed to overlook the press during the time of printing the notes to be issued pursuant to this act, who shall use the best of their care, attention and diligence that the number and amount of the said notes, according to their respective denominations aforesaid, be not exceeded, nor any fraudulent practice used by the printer, his servants, or any person concerned therein; and shall number and deliver such notes, when printed, to the persons appointed to sign the same, respectively, taking his or their receipt for the same, from time to time; and that each of them shall have for their trouble therein the sum of fifty pounds, to be paid them by the treasurer for the time being,*

And the persons so appointed to sign the said notes shall deliver them, when signed, to the treasurer for the time being, appointed as aforesaid. and take his receipt for the same; and every signer shall receive of the said treasurer twenty shillings for every thousand of the said notes by them respectively signed and delivered as aforesaid, and the said treasurer shall be allowed half per centum upon all the said notes by him paid away as his salary for paying the same.

XIII. *And be it further enacted*, That all notes to be issued in pursuance of this act, shall be redeemable on the twentieth day of April, one thousand seven hundred and sixty-eight, and shall then be paid by the treasurer for the time being; and further, that all such notes shall be received, and pass as a lawful tender, in payment of any debt, duty or demand, whatsoever (except for the payment of his majesty's quit-rents) from the time of issuing such notes, until the time before specified for the redemption thereof at the treasury, as aforesaid: And if any person or persons within this colony shall, during the time the said treasury notes are to remain current as aforesaid, offer to sell or expose to sale any goods or chattels, lands or tenements, whatsoever, and shall deny or refuse to sell the same, or demand a greater price, unless he be paid for the same in gold or silver coin, and not in the said notes; or if any person or persons shall exchange gold or silver coin for the said bills, and demand or take any allowance for the difference of the value thereof, or shall offer to buy or sell bills of exchange at a greater or higher difference of exchange for the said treasury bills than for gold or silver coin, or shall use any other device, means, or method whatsoever, whereby the credit of the said notes may be impaired, every person so offending shall forfeit and pay after the rate of twenty per centum upon the value of the goods or chattels, lands or tenements, so offered or exposed to sale, or of the money so exchanged, or of the bills of exchange so bought or sold, to be recovered by the informer, to his own use, before a justice of the peace, where the penalty does not amount to more than twenty-five shillings; and where it shall exceed that sum, the said penalty shall be one half to our lord the king, for the publick use, and to be paid to the treasurer aforesaid for the time being, appointed as aforesaid, and disposed of as the general assembly shall direct,

The redemption and currency of the said notes.

Penalty for depreciating their value.



and the other half to the informer, and shall and may be recovered with costs, by action of debt or information, in any court of record within this colony.

Penalty on  
forging, &c.  
the said  
notes.

*- XIV. And be it further enacted, by the authority aforesaid, That if any person or persons shall forge or counterfeit, alter or erase, any such treasury note, or shall tender in payment, by way of barter or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.*

The security

*XV. And be it further enacted. That the money to be raised by the duties and taxes imposed by this act, shall stand, be and remain, as a security for the redemption of the said treasury notes, so to be issued; and the said treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands, by virtue of this act, for and towards the redemption of the said treasury notes, and to no other use, intent or purpose, whatsoever.*

Treasurer to  
give further  
security.

*XVI. And be it further enacted, by the authority aforesaid, That John Robinson, esquire, treasurer of this colony, shall give such further security as shall be approved of by the governor or commander in chief of this colony, in the sum of forty thousand pounds, for the due answering and paying all the money by him received from time to time, and for the due and faithful performance of his said office; and in case of his death, resignation or disability, the treasurer to be appointed in his stead shall in like manner give such further security before he enters into his said office.*

Northern-  
Neck.

*XVII. And whereas the several county court clerks within this colony are by law directed to transmit to the treasurer of this colony a copy of the list of wheel-carriages in their respective counties, as delivered to them by the several proprietors thereof yearly, and the several clerks of the county courts within the territory of the right honorable Thomas Lord Fairfax, are also directed to transmit to the said treasurer a true account of the several quantities of land held by every proprietor of land within the said territory, as delivered to them by the said proprietors; and also, that the said clerks should deliver to the sheriffs of*

their respective counties, copies of the said lists and accounts, which hath been greatly neglected by many of the said clerks, whereby the collection of the said taxes hath been much hindered, and the treasurer often unable to settle with the sheriffs for the same,

XVIII. *Be it therefore enacted, by the authority aforesaid,* That if any county court clerk shall neglect or fail to transmit to John Robinson, esquire, Treasurer, or to the treasurer for the time being, appointed by or pursuant to an act of Assembly, or deliver to the sheriffs of their respective counties true copies of the list of wheel-carriages, and an account of the quantities of land in their several counties, within the time and according to the directions of the several laws now in force relating to the taxes on wheel-carriages, and on lands within the territory aforesaid, every such clerk shall forfeit the sum of one hundred pounds to our lord the king, which shall be recovered upon a motion made by the treasurer to the general-court, or court of the county whereof he is clerk, and paid to the said treasurer, for the same use the taxes aforesaid are appropriated, and accounted for to the General Assembly; and upon such judgment, the court may award execution, provided ten days previous notice of such motion be given to such clerk. Penalty on clerks.

XIX. *And be it further enacted,* That if any sheriff or collector of the taxes imposed by this act, or any other act of Assembly now in force in this colony, shall refuse or neglect to account for and pay the said taxes, according to the directions of the several acts imposing the same, after deducting his commissions for collecting, and the several sums chargeable to persons who have no visible estate in his county, it shall and may be lawful for the general-court, or the court of the county whereof he is sheriff or collector, upon a motion to them made by the treasurer to give judgment against such sheriff or collector, and his security, his or their executors or administrators, for the penalty of his bond by him given for such collection with costs, and thereon to award execution; provided that such sheriff or collector, and his securities, their executors or administrators, have ten days previous notice of such motion, and also that the said judgment may be discharged by the payment of the amount of the taxes due in the county whereof he is sheriff or collector, in case he shall appear at the time of enter- Penalty on sheriffs.



ing such judgment, and account for the said taxes to the satisfaction of the court: And the money recovered by such judgment shall be to the same uses as the taxes are appropriated, and shall be paid to the treasurer for the time being, appointed as aforesaid, and accounted for to the general assembly.

Courts to give charge to grand-juries to present those who fail to enlist their carriages.

XX. *And be it further enacted, by the authority aforesaid,* That the courts of each county in this colony shall, at the time of swearing a grand jury for such county in the month of May annually, particularly give it in charge to such jury to enquire who have failed to deliver to the clerk of such court an account of their wheel-carriages, and also of their lands within the proprietary of the said Lord Fairfax, according to the directions of this or any former act of assembly; and upon the presentment of any grand-jury for such offence, it shall be lawful for the court to order a summons to issue to summon the offender to appear at the next court, to answer such presentment, and shall not admit of any exception or pleading to the form or manner thereof, but shall proceed to trial without the formality of a jury, and give judgment upon such presentment according to the very right of the cause; and if the party summoned fails to appear, the court may give judgment for the penalty for such offence, according to law.

Method of publishing this law in the northern neck.

XXI. But forasmuch as many persons within the proprietary of the said Lord Fairfax, for want of knowing the particular method of enlisting their lands by the former acts for that purpose directed, may have incurred the penalties thereby inflicted, for remedy thereof, *Be it enacted, by the authority aforesaid,* That no person or persons whatsoever, within the said proprietary, who hath or have already paid the taxes imposed by the said acts, or shall pay the same before the first day of November next, and shall at any time before the said first day of November next give into the clerk's office a list of his and their lands pursuant to the directions of the said former acts, and shall from thence forward duly observe and comply with the same, shall be liable to any penalty inflicted by this or any former act, any thing contained in this or any former act to the contrary notwithstanding.

Printer to transmit a copy of this

XXII. And to the end that no person whatsoever may hereafter pretend ignorance of this or the said former acts, *Be it further enacted, by the authority aforesaid,*

said, That William Hunter, printer, shall, and he is hereby required to transmit to the sheriffs of the several counties, within the said proprietary, a copy of so much of this act, and of the said former acts, as is relative to the method prescribed for enlisting lands, and the penalties incurred for failure thereof, within two months at farthest after the passing of this act. And every such sheriff shall, at the next court held for his county, after receipt of such copy, read the same publicly at the door of the court-house of his county, and shall, within fifteen days after the receipt thereof, cause to be delivered to the minister, clerk or reader of the several parishes within his said county, a fair copy of the same, which said minister, clerk or reader, shall, and they are hereby required to read the same publicly at each church or chappel within his or their parish, immediately after divine service, the two next Sundays on which divine service shall be performed after the said copy shall come to his or their hands. And in case the printer shall neglect or fail to transmit the said copies, according to the directions of this act, or the said sheriff, minister, clerk or reader shall neglect or refuse to publish the same, as aforesaid, the party so neglecting or refusing shall forfeit and pay the sum of fifty pounds, one half to the informer, and the other half to the treasurer of this colony, for the time being, for the use of this colony, to be recovered with costs, by action of debt or information, in any court of record within this dominion.

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## CHAP. II.

### *An Act for reducing the several acts made for laying a duty upon Liquors, into one act.*

I. WHEREAS the several acts of assembly heretofore made, for laying a duty upon liquors, have by experience been found useful and beneficial in lessening the poll tax, by raising a fund for defraying part of the necessary expences of this government, and for

Preamble.



the better support of the college of William and Mary in this colony; which said acts will all expire on the tenth day of June, one thousand seven hundred and sixty-one.

The duties.

II. And whereas through the various alterations and amendments of the said acts, and the additional duties at different times imposed, and their repeated continuations, they are rendered difficult to be understood, whereby several penalties may be incurred by the more ignorant sort for want of sufficient knowledge of the same, and this present general assembly having thought it expedient that the said laws should be re-enacted and reduced into one act: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That for every gallon of rum, brandy, and other distilled spirits, and for every gallon of wine, which from and after the said tenth day of June, one thousand seven hundred and sixty-one, shall be imported or brought into this colony and dominion either by land or water, from any port or place whatsoever, the duty or custom of four pence shall be paid by the owner or importer of the same. And for every gallon of cyder, beer or ale which shall be imported or brought into this colony and dominion, as aforesaid, from any port or place whatsoever, the duty or custom of one penny shall be paid by the owner or importer of the same, for and during the term of one year from thence next following, and no longer.*

No duty on  
liquors from  
Great-Bri-  
tain.

III. *Provided nevertheless, and it is hereby enacted and declared, That no duty or custom whatsoever shall be paid or required for any of the liquors before enumerated that shall come directly from Great Britain, but all such liquors shall remain and continue exempt and free from any imposition, duty or custom imposed or required by this act, as if the same had never been made.*

Duty of pur-  
sors.

IV. *And be it further enacted, by the authority aforesaid, That the master or purser of every ship or other vessel, importing liquors, liable to a duty or custom by virtue of this act, to any port or place within this colony and dominion, shall, within forty-eight hours after his arrival, make a true and just report, upon oath, with the collector of the duties upon liquors in the said port or place, of the burthen, contents and*

loading of such ship or vessel, with the particular marks and numbers of every cask therein laden with liquors, and to whom consigned, to the best of his knowledge, and also where and in what port the same were laden and taken on board, upon penalty of forfeiting one hundred pounds current money.

V. *And be it further enacted*, That no liquors, liable to the said duties, imported or brought into this colony by water, by any person or persons whatsoever, shall be landed or put on shore until due entry made thereof with the collector of the duties upon liquors in such port or place, and a true account of the marks and numbers of every cask at that port or place where the same was shipped or taken on board, given upon oath, either before the said collector or some justice of the peace of this colony, who shall certify the same upon the back of the original invoice of such liquors, or a true copy thereof to him produced, and thereupon such importer, paying the duties laid by this act, or securing the payment thereof, shall obtain a permit under the hand of such collector for the landing or delivery of the same: And all liquors landed, put on shore, or delivered contrary to the true intent and meaning of this act or the value thereof, shall be forfeited and lost, and may be seized and recovered by any officer of his majesty's customs of the port or place where the same shall be put on shore or delivered, or by any other person or persons whatsoever: And the owner or importer of any of the liquors aforesaid by land, shall, in like manner, make due entry of the same, within six days after the importation, with the collector appointed in pursuance of this act, and give a true account of the quantity thereof, upon oath, and pay the duty hereby imposed, or give bond, with good security, for payment thereof within six months, and thereupon obtain a permit under the hand of the said collector for selling or making use of the same; and all liquors imported by land without such entry made, and permit obtained, or the value thereof, shall be forfeited, and may be recovered or seized by any collector of the said duties, or any other person whatsoever.

VI. *Provided always*, That no person shall be required to give account, upon oath, of the true contents of any pipe or lesser cask of wine, or of any hoghead or lesser cask of rum imported, but shall have liberty

Liquors not  
to be landed.

The contents  
of a pipe  
need not be  
entered



to enter a pipe of wine or hogshead of rum at one hundred gallons, and all lesser casks after the same proportion, any thing in this act to the contrary notwithstanding.

**False Entry.** VII. *And be it further enacted,* That if any person or persons whatsoever shall wittingly or wilfully make a false entry, and be thereof convicted, such person or persons shall forfeit and pay one hundred pounds current money.

**Power of collectors.** VIII. *And be it further enacted,* That the collectors of the duties or customs upon liquors, or any person by them appointed, shall have full power and authority to go and enter on board any ship or other vessel, and from thence to bring on shore any liquors liable to a duty by virtue of this act, if such duty be not paid or agreed for within ten days after the first entry of such ship or vessel, or bond, with good and sufficient security, given for payment of the same within six months next after such entry, which bond, if offered, the collector is hereby authorized and required to accept and take; and such liquors so brought on shore to secure and detain until due entry and payment made, or security given for the same, as aforesaid; and they are also empowered to stay and remain on board such ship or vessel until all such liquors be discharged and delivered out of the same. And if any collector or collectors of the said duties, or any other person or persons deputed or appointed by them, or any of them, shall directly or indirectly take or receive any bribe, recompence or reward in any kind whatsoever, or shall connive at any false entry of liquors liable to a duty or custom by virtue of this act, the person or persons so offending shall forfeit and pay the sum of one hundred pounds current money, and be forever afterwards disabled in his said office, and rendered incapable of holding any office or employment relating to the customs within this colony: And the person or persons giving or offering such bribe, reward, or recompence shall forfeit and pay one hundred pounds current money.

**Penalty on persons giving and receiving bribes.**

**Power of collectors to break open doors, &c.**

IX. *And be it further enacted,* That it shall be lawful to and for all and every collector and collectors of the duties upon liquors, by warrant under the hand of a justice of peace, which warrant shall not be granted but upon an information made to him upon oath, and accompanied with a constable, to break open in the

day time, any house, warehouse or storehouse to search for, seize, and carry away any liquors liable to a duty by this act, and for which the said duty shall not have been paid or secured as aforesaid: And if any collector or constable shall be sued or molested for any thing done in execution of the powers hereby given them, such collector or constable may plead the general-issue, and give this act in evidence; and if in such suit the plaintiff be non-suit, or judgment pass against him, the defendant shall recover double costs. And in all actions, suits, or informations to be brought, or where any seizure of liquors shall be made, if the property thereof be claimed by any person, as the owner or importer thereof, in such case the *Onus probandi* shall lie upon such owner or claimer.

*Onus probandi* on owners

X. *And be it further enacted*, That when any liquors shall be consigned to any person, other than the master or owner of the ship or vessel importing the same, every such person, to whom such liquors shall be so consigned, shall, upon the importation thereof, pay to the master or owner of the ship or vessel importing the same the duty payable for such liquors by this act; and if any person or persons to whom such liquors shall be consigned, as aforesaid, shall refuse or neglect to pay the said duty, or give bond, with security, for the payment thereof to the master or owner of the ship or vessel importing the same, at such time as the same shall become payable, it shall and may be lawful for the master or owner of such ship or vessel to detain such liquors until the duty shall be paid, or secured to be paid, as aforesaid.

Persons to whom liquors are consigned to pay the duty to the master.

XI. *Provided always, and it is hereby enacted and declared*, That if the owner or importer of any liquors, of which the duties or customs shall be paid, or secured to be paid, shall within six months after the importation thereof in this colony and dominion, be desirous to export the same or any part thereof, in such case the person intending to export the same shall give a particular account of the marks, numbers and contents of the casks or vessels containing the liquors he intends to export, to the collector of such district from whence the same is to be shipped for exportation, together with the name or names of the person or persons from whom the same was bought, and shall subscribe it also and make oath thereto before the said collector; at which time he shall also declare, upon

Where the importer of liquors intends to export the same.



oath, that the said liquors shall be directly carried out of this dominion, and not sold, delivered, or put on shore within the same, or brought back again without making a new entry and paying the duty; and shall also deliver to the collector aforesaid an account in what vessel the same was entered at importation, with the oath of the person or persons by whom it was imported, that the duty or custom thereof was at the time of entry duly paid, or secured to be paid, according to law. And then it shall and may be lawful for the collector where the duty or custom for the same was paid, or secured to be paid, and he is hereby required and enjoined to allow the said exporter the whole duty or custom paid, or secured to be paid for the said liquors, so to be exported, any thing in this act to the contrary notwithstanding. But if any person or persons shall export liquors, on which there is a draw-back, to the province of Maryland, before such person exporting the same shall be entitled to the draw-back thereof, he shall produce to the collector of the duties from whose district the same was exported, a certificate under the hand of the officers of the customs in Maryland that the said liquors were entered and landed there.

No draw-back  
to persons  
exporting li-  
quors by  
land.

XII. *And be it further enacted.* That no draw-back shall be allowed to any person or persons exporting liquors out of this colony by land, any clause herein contained to the contrary notwithstanding.

Where the  
Importer of  
liquors in-  
tends to  
transport  
them from  
one district  
to another.

XIII. *And be it further enacted, by the authority aforesaid,* That if any importer of the liquors in this act mentioned shall desire to transport the same from one district to another within this colony, he shall, before he depart out of the district wherein such liquors shall be laden or taken on board, make oath before the collector of the duties in the said district, or some justice of the peace, that he hath duly entered such liquors, and paid or secured to be paid all the duties by this act imposed; and also deliver, upon oath, an account of the true quantity so taken on board to be transported, and that he will not take or suffer to be taken on board the said ship, boat, or other vessel any more liquors than in the said account shall be specified; and shall likewise take a certificate from such collector or justice of the peace of the quantity of liquors then on board, and that such oath hath been made thereto, which certificate being produced to the collector of

the duties in the district to which the said liquors shall be transported shall be a sufficient warrant for the owner thereof to sell the same in such other district: And all liquors on which there is a duty which shall be transported by water from one district to another, and landed or sold, without producing such certificate, as aforesaid, to the officer into whose district the same shall be transported, shall be liable to be seized and forfeited.

XIV. And for an encouragement to import money into this colony and dominion, *Be it further enacted*, That if any person or persons shall pay any of the impositions, duties, or customs arising due by virtue of this act in gold or silver coin, current in this colony, of his or their own importation into this dominion, and shall make oath that he or they did import the same, and did not carry it out of this colony with an intent to bring it back again, and that it was not exchanged in any adjacent province for monies carried out of this colony with intent to obtain any benefit thereby, such person or persons, upon producing a certificate of such oath, shall have an abatement and allowance of fifteen per cent. on all duties so paid and satisfied; and every collector of the said duty is hereby authorized and required to make such allowance until such sum or sums of money imported shall be paid away; and upon payment of any lesser sum than is mentioned in the said certificate to such collector of the duties upon liquors, such collector shall endorse the sum by him received on the back of such certificate.

Where money is imported.

XV. And for preventing delays in the payment of the said duty, *Be it enacted by the authority aforesaid*, That where any person shall become bound for the payment of the said duties upon liquors, and shall not pay the same at the time limited, whether such bond be payable to the king or the collector of the said duties, it shall and may be lawful to and for the collector to sue out of the general court, or the court of the county wherein such person or his securities respectively reside, one or more writ or writs of *Scire facias*, in the name of the king, his heirs and successors, returnable to the said court, against the person or persons chargeable with the said duties, and his or their securities, their executors or administrators, to shew cause why execution ought not to issue against him,

The duties sued for in the king's name.



them, or any of them for the duties so unpaid; and thereupon to sue out execution accordingly.

The appropriation of penalties.

XVI. *And be it further enacted*, That the several forfeitures and penalties which shall and may arise by virtue of this act, shall be divided into three equal parts, one third part thereof shall be to our sovereign lord the king, his heirs and successors, for and towards the better support of this government and the contingent charges thereof; one third part to the governor of this colony for the time being, to and for his own proper use and behoof, and the other third part to him or them that will inform or sue for the same; to be recovered with costs, by action of debt, bill, plaint or information, in any court of record within this colony and dominion, wherein no essoin, protection or wager of law shall be allowed.

The Governor nor to appoint collectors.

XVII. *And be it further enacted*, That the governor or commander in chief of this colony, for the time being, with the advice of the council, shall be, and is hereby impowered, from time to time, and at all times hereafter to nominate, constitute, and appoint such and so many collectors of the duties laid by this act upon liquors, and also such salaries, not exceeding six in the hundred for collecting the said duties, as to him shall seem best.

The Duties to be paid to the Treasurer and their appropriation.

XVIII. *And be it further enacted, by the authority aforesaid*, That all and every such sum or sums of money, which shall be raised, collected and levied by the said duties, the necessary charges of collecting, managing and accounting for the same always excepted, shall, from time to time, be accounted for and paid by the respective collectors thereof to the treasurer of Virginia, for the time being, appointed by or pursuant to an act of Assembly, upon oath, which oath the said treasurer is hereby impowered to administer, and by the said treasurer accounted for to the General Assembly of this colony, upon oath. And that all and every such sum and sums of money which shall be raised, collected, and levied by three pence of the said duties by this act imposed, for every gallon of wine, rum, brandy and other distilled spirits; and one penny upon every gallon of cyder, beer and ale, over and above the necessary charges aforesaid; are and shall be appropriated, issued, applied and disposed, in the first place, for and towards the re-payment of the sum of

ten thousand pounds which the treasurer of this colony was directed to borrow by a certain act of Assembly, made in the twenty seventh year of his present majesty's reign, intituled, An act for the encouragement and protection of the settlers upon the waters of the Mississippi, for the purposes in the said act mentioned, together with the interest thereon arising; and after the said sum of ten thousand pounds, with the interest aforesaid, shall be fully repaid and satisfied, then to such other use or uses as the general assembly, from time to time, shall think fit to direct, for lessening the levy by the poll, or defraying any public expence, and to and for no other use whatsoever. And that all and every sum and sums of money to be raised and levied out of the other penny of the said duties by this act imposed upon every gallon of wine, rum, brandy, and other distilled spirits, as aforesaid, is and shall be appropriated to the relief of the college of William and Mary in this colony, and shall be paid by the said treasurer, half yearly, in equal proportions, unto the president and masters of the college, and their successors, and shall be applied and disposed of for the founding scholarships, and such other good uses for the better support of the college, as by the visitors and governors of the said college, or the greater part of them, shall, from time to time, be directed and appointed, and not otherwise, and shall be accounted for to the general assembly.

XIX. *And be it further enacted, by the authority aforesaid,* That all Madeira wine imported by his majesty's lieutenant-governor, or the governor and commander in chief of this colony for the time being, not exceeding ten pipes in one year, for his own use, be, and are hereby exempted from the payment of the duties imposed upon wine imported, any thing in this act contained to the contrary notwithstanding.

Madeira  
Wine im-  
ported by  
the Gover-  
nor, duty  
free,

XX. *And be it further enacted,* That all collectors of the duties imposed by this act be, and are hereby required to account with the treasurer every half year, to wit, on the twenty-fifth day of April and the twenty-fifth day of October in every year, or within fifteen days afterwards, upon pain of forfeiting one half of their commissions, to be deducted out of their accounts by the treasurer, and by him carried to the credit of the public treasury.

Collectors  
when to ac-  
count with  
the treasurer



*An Act for further continuing an Act, intituled, An act for laying an additional duty on Rum and other distilled Spirits, not being of the produce of his Majesty's Sugar Islands.*

Act imposing additional duties on Rum, &c. continued.

I. WHEREAS by an Act of Assembly, made in the twenty-eighth year of his present Majesty's reign, intituled, An Act for laying an additional duty on Rum and other distilled Spirits, not being of the produce of his Majesty's Sugar Islands, an additional duty of four pence per gallon was laid on all such liquors imported into this colony by land or water, from any port or place whatsoever, except directly from Great Britain or some of his majesty's Sugar Colonies, which was continued by another act of Assembly, made in the thirtieth year of his said Majesty's reign, intituled, An Act for continuing the act, intituled An Act for laying an additional duty on Rum and other distilled Spirits, not being of the produce of his Majesty's Sugar Islands, for the term of three years, and will expire on the first day of August one thousand seven hundred and sixty-one; and it being found necessary that the same should be further continued for the purposes therein mentioned, and for discharging the public debts and other exigencies of this government, *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said first recited act shall continue and be in force, from and after the expiration thereof, for and during the term of five years from thence next following, and no longer.*

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CHAP. IV.

*An Act for continuing an Act, intituled, An Act for the better regulating and disciplining the Militia.*

I. WHEREAS the act of assembly, made in the thirtieth year of the Reign of his present Majesty, in-  
 Act for better regula-

intituled. An Act for the better regulating and disciplining the Militia, will expire on the eighth day of June, one thousand seven hundred and sixty; and it being necessary that the same should be continued: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said act of Assembly, made in the thirtieth year of the Reign of his present Majesty, intituled, An Act for the better regulating and disciplining the Militia, shall continue and be in force, from and after the said eighth day of June, one thousand seven hundred and sixty, for and during the term of three years from thence next following.

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#### CHAP. V.

*An Act for further continuing an Act, intituled, An Act for reducing the several Acts for making provision against Invasions and Insurrections, into one Act.*

I. WHEREAS the act of Assembly, made in the thirtieth year of the reign of his present majesty, intituled, an Act for reducing the several Acts for making provision against invasions and insurrections, into one act, will expire the eighth day of June, one thousand seven hundred and sixty; and it being necessary and expedient that the said act should be further continued, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said recited act of assembly, shall continue and be in force, from and after the said eighth day of June, one thousand seven hundred and sixty, for and during the term of one year from thence next following.

Act making  
provis on a-  
gainst inva-  
sions and in-  
surrections  
continued.



## CHAP. VI.

*An Act for appointing an Agent.*

Edward Montague, esquire, appointed agent, in Great Britain.

Committee of correspondence, and their duty.

All matters to be by a majority of the said committee.

Agent's salary.

I. WHEREAS it is judged necessary that some able and discreet person, residing in Great Britain, should be engaged and employed to solicit and properly represent the affairs of this colony there: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That Edward Montague, of the Middle-Temple, esquire, be, and is hereby appointed an agent for this colony; to be at all times under the direction of the honorable William Nelson, Thomas Nelson, Philip Grymes, and Peter Randolph, esquires; John Robinson, Peyton Randolph, Charles Carter, Richard Bland, Landon Carter, Benjamin Waller, George Wythe, and Robert Carter Nicholas, esquires, who are hereby declared to be a committee of correspondence, to transmit such matters and things to him as shall be committed to their charge by the General Assembly; and to receive from him information and intelligence of his proceedings, as well in such cases as shall be to him intrusted by the said committee, or the major part of them, as in every other matter and thing that shall come to his knowledge, that may either affect or be for the interest of this colony. And the said committee shall, from time to time, as they shall be required, lay before the General Assembly copies of all such letters and instructions as shall be by them sent to such agent, and also the originals of all letters by them received from the said agent.*

II. *And be it further enacted, by the authority aforesaid, That if any one or more of the persons so appointed a committee of correspondence shall presume to write any private letter to the said agent, containing any matter repugnant to such letters or instructions as shall be transmitted by the major part of them, acting as a committee, or shall write any private letter containing any instructions in any matter before the same hath been considered and approved of by a committee, every person committing such misdemeanour shall be liable to the censure of the General Assembly.*

III. *And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the treasurer*

of this colony, for the time being, appointed by or pursuant to an act of Assembly, to pay unto the said agent, out of the public money that shall be in the treasury, the sum of five hundred pounds sterling per annum, as a full compensation for his trouble and expenses in the discharge of his duty in such office.

IV. *Provided nevertheless, and it is hereby enacted,* That if at any time the said committee, or the major part of them, shall think proper to remove the said Edward Montague, esquire, from his office of agent, then such allowance and power hereby given to the said Edward Montague, esquire, shall cease, and such committee, or the major part of them, shall notify the same to him, and lay their reasons for so doing before the next succeeding Assembly; or in case the said Edward Montague, esquire, shall die, or refuse to take upon himself the said office of agent, the said committee be, and are hereby impowered and required, either upon the removal of the said Edward Montague, esquire, from his office of agent, or upon his death or refusal to take upon himself the said office, to appoint some other fit person in his room to act as agent, for such allowance, as aforesaid, to be approved of by the succeeding Assembly.

The agent  
removable  
by the committee.

V. *And be it further enacted,* That this act shall continue and be in force, from and after the passing thereof, for and during the term of seven years and no longer.

Continu-  
ance.

## CHAP. VII.

*An Act to explain an Act, intituled, An Act to enable the inhabitants of this Colony to discharge their public dues, Officers Fees, and other Tobacco Debts, in Money, for the ensuing year.*

I. WHEREAS the act made at the first session of this present General Assembly, intituled, An Act to enable the inhabitants of this colony to discharge their

Act making  
Tobacco  
debts paya-



ble in money public dues, officers fees, and other tobacco debts, in explained. money, for the ensuing year. hath been found very beneficial and necessary, but some doubts and controversies have arisen thereupon, for explaining whereof. Be it enacted, by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said act, nor any thing therein contained, shall be construed so as to extend to any sheriff or other collector of levies and officers fees, who before the passing of the said act had received such levies and fees, or any of them, and had not paid the same to the officers or public, county, and parish creditors; nor to any person or persons then in arrear for such levies or fees to the sheriffs or collectors thereof; nor to any sheriff or other officer who had levied any execution or other distress for tobacco, and had not paid the same to the creditor or landlord, but that all and every such sheriff, officer, collector, or person in arrear shall be obliged to pay such arrears due from them respectively, either in tobacco according to the directions of the act of Assembly, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs, or in money, at the rate that was current at the time such tobacco ought to have been paid, any thing in the herein before recited act to the contrary notwithstanding.

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#### CHAP. VIII.

*An Act for continuing the Act, intituled, An Act for the better regulating and collecting certain Officers Fees, and for other purposes therein mentioned.*

**I. WHEREAS** the act of Assembly, made in the nineteenth year of his present majesty's reign, intituled, An act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned, which hath been continued by three other acts, made in the twenty-second, twenty-fifth, and thirty-

Act for regulating and collecting of officers fees continued.

second years of his majesty's reign, will expire on the twelfth day of April, one thousand seven hundred and sixty, and it being necessary that the same should be further continued: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said first recited act shall continue and be in force, from and after the said twelfth day of April, one thousand seven hundred and sixty, for and during the term of two years and no longer.*

### CHAP. IX.

*An Act to amend the Act, intituled, An Act for granting an Aid to his Majesty, for the better Protection and Defence of this Colony, and for other purposes therein mentioned.*

I. WHEREAS by an act of this present session of Assembly, intituled, An act for granting an Aid to his majesty, for the better protection and defence of this colony, and for other purposes therein mentioned, it is enacted, That an additional number of five hundred men shall be raised, to be divided into five companies, under the command of a lieutenant colonel, four captains, ten lieutenants, and five ensigns, and employed for the protection of the subjects on the frontiers of this colony, as the governor or commander in chief shall, from time to time, direct; and shall not be incorporated with the Virginia regiment, joined with the king's forces, employed to garrison Pittsburg, or sent out of this colony upon any pretence whatsoever.

Recital of former act, ante ch. 1.

II. And whereas since the passing the said act it is found necessary that two hundred of the said five hundred men, so to be raised, should be employed as artificers to be joined to the said regiment: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That it shall*

Part of the new recruits to be employed as artificers.



and may be lawful for the governor or commander in chief of this colony, for the time being, to order and direct two hundred men, with their officers, part of the said five hundred men to be raised as aforesaid, to join the said regiment, to be employed as artificers, any law to the contrary notwithstanding; and the said two hundred men, so to be employed, shall receive, over and above the bounty given them by the above recited act at the time of their enlisting, the further sum of five pounds current money each.

## CHAP. X.

*An Act for further continuing an Act, intituled, An Act for preventing Mutiny and Desertion, and for other purposes therein mentioned.*

Act for preventing mutiny and desertion, further continued.

1. WHEREAS an act of Assembly was made in the thirtieth year of the reign of his present majesty, intituled, An act for preventing mutiny and desertion, which was continued by another act made in the following year, intituled, An act for continuing and amending an act, intituled, An act for preventing mutiny and desertion, with an additional clause in the said last mentioned act contained, and will soon expire, and it is expedient that the said first mentioned act together with the said additional clause, in the other act mentioned, should be further continued: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said act of Assembly, made in the thirtieth year of his majesty's reign, intituled, An act for preventing mutiny and desertion, together with the said additional clause contained in the said act made in the following year, shall continue and be in force, from and after the expiration thereof, for and during the term of one year from thence next following, and no longer.*

## CHAP. XI.

*An Act for further continuing the Act, intituled, An Act for reviving the Duty upon Slaves, to be paid by the Buyers, for the term therein mentioned.*

I. WHEREAS an act of Assembly was made in the twenty-fifth year of the reign of his present majesty, intituled, An act for reviving the duty upon slaves, to be paid by the buyers, for the term therein mentioned, which was further continued by another act of Assembly, made in the twenty-seventh year of his majesty's reign, intituled, An act for continuing the act, intituled, An act for reviving the duty upon slaves for the term therein mentioned, which will expire on the twentieth day of April, one thousand seven hundred and sixty; and it being found expedient that the said first recited act should be further continued, for the purposes therein mentioned: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said first mentioned act of Assembly, and every clause and article thereof, shall be and continue in force, from and after the said twentieth day of April, one thousand seven hundred and sixty, for and during the term of seven years from thence next following, and no longer.*

Act reviving  
duty upon  
slaves, fur-  
ther contin-  
ued.



## CHAP. XII.

*An Act for further continuing so much of the Act of Assembly, intituled, An Act for the encouragement and protection of the Settlers upon the waters of the Mississippi, as relates to the raising and imposing, collecting and paying, the duties therein mentioned; and for other purposes therein mentioned.*

Preamble.

I. WHEREAS an act of Assembly was made in the twenty-eighth year of the reign of his present Majesty, intituled, An Act for continuing so much of the Act of Assembly, intituled, An Act for the encouragement and protection of the settlers upon the waters of the Mississippi, as relates to the raising and imposing, collecting and paying, the duties therein mentioned; by which act the said duties were further continued to the fourteenth day of February, one thousand seven hundred and sixty, with a further proviso, that where it is necessary in the General Court to sue out several Capiases in one suit at common law, or several Subpœnas in Chancery, the plaintiff or plaintiffs shall not be obliged to pay the duty for more than one writ or Subpœna.

Act for encouragement and protection of settlers on waters of Mississippi, continued in part.

II. And whereas the said act will then expire, and it is necessary that the same should be further continued; for the purposes therein mentioned, and for defraying the publick debts and other exigencies of this government. *Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same.* That the said act of assembly shall continue and be in force from and after the said fourteenth day of February, one thousand seven hundred and sixty, for and during the term of five years from thence next following, and no longer.

III. And whereas by the said act for the encouragement and protection of the settlers upon the waters of the Mississippi, the treasurer of this colony was empowered and required to borrow a sum of money, not exceeding ten thousand pounds, or so much thereof

as should be found necessary and expedient, at an interest of six per centum, to be applied as in the said act is particularly directed; and that for an encouragement to lend money on that occasion, the revenues or duties arising by the importation of liquors and slaves, and all the other duties imposed by the said act, should, and were thereby declared to stand, be and remain, as a security for the payment of the money so to be borrowed as aforesaid; and the treasurer was thereby required to repay the money so to be borrowed, with interest, out of the first publick money that should come to his hands, either by receipt of the duties aforesaid, or otherwise.

IV. And whereas the said treasurer, in pursuance of the directions of the said act, did borrow the said sum of ten thousand pounds for the purposes therein mentioned, which, with the interest thereon accruing, is not yet fully paid and satisfied; but it may so happen, that a greater sum of money may be raised by the duties aforesaid than will be sufficient to discharge that debt, *Be it therefore further enacted, by the authority aforesaid, That all such sum and sums of money as shall arise by the duties aforesaid, and remain in the hands of the said treasurer after the said sum of ten thousand pounds, and the interest aforesaid, shall be fully paid and satisfied, shall be accounted for by the said treasurer to the general assembly, and shall be applied and disposed to such other publick use or uses as by the general assembly shall be from time to time directed and appointed, and to no other use, intent or purpose, whatsoever.*

Unappropriated monies to be accounted for to General Assembly.

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### CHAP. XIII.

*An Act for reducing the several Acts for licensing pedlars, and preventing frauds in the duties upon skins and furs, into one act.*

I. WHEREAS the several laws heretofore made for granting licenses to pedlars, and preventing frauds in the duties upon skins and furs, have been

Preamble.



found insufficient to answer the purposes thereby intended, and it hath been represented to this general assembly, that great frauds and abuses are still committed and carried on by people under the name of pedlars, particularly in the exportation of skins and furs, without paying any duty; and that by means of the frequent alterations and amendments of the said laws, they are rendered difficult to be understood, whereby the more ignorant sort of people may be liable to severe penalties for want of a sufficient knowledge of them, and it being therefore thought expedient that the said laws should be reduced into one act, with some amendments, *Be it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the tenth day of October next, no pedlar, or other person, whether he be an inhabitant of this colony or not, shall go from place to place, or to other mens houses, and sell or expose to sale, or barter, any goods or merchandize whatsoever, without license first obtained under the hand and seal of a collector of the duties upon skins and furs exported by land, residing near the frontiers, appointed in the manner herein after directed; and if any pedlar shall refuse to produce such license, when required by any person, to or before whom he shall sell or expose to sale, or barter, any goods or merchandize, the same may be seized by the person or persons requiring such license to be produced, and upon due proof thereof made before a justice of peace, the goods so seized shall be forfeited, and delivered to the seizer, for his own use.

Pedlars to obtain licenses from collectors of duties upon skins & furs.

Collectors, how appointed.

II. *And be it further enacted, by the authority aforesaid,* That the governor, or commander in chief of this colony for the time being, with the advice of the council, shall and may appoint one or more collector or collectors of the duties upon skins and furs exported by land, who shall reside near the frontiers of this colony; which collectors shall have, and be allowed, a salary of ten in the hundred for receiving the said duties, and shall account for the same in such manner as other collectors of the said duties are obliged to account: And such collector shall be, and is hereby authorized and impowered, from time to time, to grant or refuse at his discretion to any person or persons applying for the same, license or licenses to trade du-

Salary and duty.

ring the term of one year from thence next following, and no longer; the party obtaining such license first entering into bond, with good and sufficient security, to our sovereign lord the king, his heirs and successors, in the penalty of twenty pounds, with condition that he will not export, or cause to be exported, with his privity or knowledge, any skins or furs, either by land or water, without first paying the duties imposed on such skins and furs, by one act of assembly made in the twenty-second year of the reign of his present majesty, intituled, An act for the better support of the college of William and Mary, and shall also make oath and swear to the same effect, and pay down the sum of twenty shillings, for the use of the governor or commander in chief of this colony for the time being; the sum of three pounds, for the use of the college of William and Mary; and the further sum of twenty shillings to such collector granting such license, for writing the same and the bond aforesaid, which bond shall be by him safely kept: And if any such collector shall presume to grant such license, without having first taken such bond, and received the fees appointed by this act, he shall forfeit and pay for every such offence the sum of twenty pounds, one moiety thereof to and for the use and better support of the said college of William and Mary, and the other moiety to him or them that will inform or sue for the same; to be recovered with costs, by action of debt or information, in any court of record within this colony.

Bond and security.

Tax on pedlars.

To the governor.

To the college of Wm. and Mary.

To the collector.

III. And for encouraging prosecutions for the breach of any such bond, *Be it further enacted*, That one moiety of the penalty shall be to the use of his majesty, his heirs and successors, for the better support of the said college of William and Mary, and the other moiety to any person or persons that will make information of any such breach; to be recovered in the name of his majesty, his heirs and successors, by action of debt, in any court of record within this colony: And the clerk of every county court shall, in the months of April and October yearly, transmit to the secretary's office a list of all recoveries or judgments had or given on seizures, or for breach of such bonds if any shall happen to be.

Fines, how recovered and appropriated.

IV. *And be it further enacted, by the authority aforesaid*, That every collector of the duties upon skins and furs now appointed, or hereafter legally to be appoint-

How collectors may export their own skins and furs.



ed, who shall at any time himself export skins or furs liable to a duty by land or water, shall first make oath before a justice of peace to the true number and kind of skins or furs, and the weight of beaver by him intended to be exported, and to what port or place, and obtain a certificate of such oath by him made, and shall return such certificate and account for the duties in the same manner, and at the same time or times as he shall account for duties by him collected from other persons, under penalty of forfeiting double the value of the skins or furs exported without such oath made and duty accounted for and paid, to be recovered in the same manner, and applied to the same uses as recoveries upon breach of bond are by this act directed to be. And every collector of the said duties shall, at the time of accounting for the same with the person or persons by his commission directed, return true lists of all licences by him granted, and bonds thereupon taken from time to time.

Penalties on  
pedlars, tra-  
ding without  
leave.

V. *And be it further enacted*, That if any pedlar or other person, as aforesaid, shall, after the said tenth day of October, be found travelling or trading without such licence, as aforesaid, such person shall forfeit and pay for every several dealing or trading the sum of twenty shillings, to the use of the informer, to be recovered with costs, before any justice of the peace of this colony. And in case such person after conviction shall refuse or delay to make present payment of the said penalty and costs, either in money, or goods to the value, in the judgment of the justice before whom the conviction shall be, it shall and may be lawful for such justice to order the person so convicted twenty lashes on his bare back well laid on, and he shall be from thenceforth discharged from the payment of the said penalty for that time. And in case any such pedlar or other person, as aforesaid, shall be found travelling towards any other of his majesty's colonies with any skins or furs, beyond the place where the collector or collectors aforesaid usually reside, and upon demand made by any inhabitant of this colony shall refuse to produce and shew a certificate that the duties of the said skins and furs have been paid, such skins and furs shall and may be seized by any person or persons, and the person or persons seizing the same shall immediately carry them to the next justice of the peace who is hereby empowered and re-

quired to receive the same; and in case the owner or proprietor of the said skins and furs shall not, within two months after such seizure, make sufficient proof before such justice, or before the court of the county where such seizure shall be made, that he has paid the duty for such skins and furs, the same are hereby declared to be forfeited, and shall and may be sold by order of the said county court to the highest bidder; and one half of the money arising by such sale, after charges deducted, shall be to the use of his majesty, his heirs and successors, for and towards the better support of the said college of William and Mary, and the other half to the person who shall seize the same; and in case the owner or proprietor of such skins and furs, as aforesaid, shall, within the time aforesaid, make due proof before the said justice or court, that the duties for the same have been duly paid, the said justice shall, and is hereby required to deliver back the said skins and furs to the said owner or proprietor, upon his paying down the sum of ten shillings to the person who shall seize the same as aforesaid.

VI. *And be it further enacted*, That if any such pedlar or other person, trading as aforesaid, shall presume to resist or offer any violence to any other person or persons who shall be employed in the execution of the powers and authorities given to them by this act, such pedlar or other person, so offending, shall forfeit and pay the sum of fifty pounds; one half whereof shall be to the use of his majesty, his heirs and successors, for and towards the better support of the said college of William and Mary, and the other half to the informer, and shall and may be recovered by action of debt or information in any court of record within this colony. And moreover it shall and may be lawful to and for the sheriff of the county where such offence shall be committed, or where the offender may be found, and such sheriff is hereby empowered and required, upon information of such offence, and application to him made, to summon such and so many men of his county as he shall think sufficient to be aiding and assisting to him in the apprehending such offender, and him having found and apprehended to carry, together with the skins and furs that shall be found in his possession, before the next justice of the peace of his county, who is hereby empowered and required, by warrant under his hand and seal, to commit such of-

Penalty for  
resisting the  
execution of  
this act.



sender to the goal of his county, there to remain until he shall pay or give security for the payment of the said sum of fifty pounds, in case he shall be convicted of the said offence; and the said justice shall also keep the said skins and furs in his possession until they shall be disposed of in the manner herein before directed in the case of a seizure for non-payment of duties.

Exceptions.

VII. *Provided nevertheless*, That nothing in this act contained shall extend or be construed to extend to any inhabitant of this colony trading only in beef and pork, or carrying any goods or commodities of the growth or manufacture of this colony to any place or places for selling the same, but that every such inhabitant may carry or sell such goods and commodities in the same manner as if this act had never been made.

Repealing  
clause.

VIII. *And be it further enacted*, That all and every other act or acts of assembly heretofore made for or concerning any thing within the purview of this act shall, from and after the said tenth day of October next, be, and they are hereby repealed and made void to all intents and purposes whatsoever.

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## CHAP. XIV.

### *An Act for encouraging Arts and Manufactures.*

Preamble.

I. WHEREAS the improving of arts and manufactures are of infinite service to every people, and may be of singular advantage to this colony in its present distressed situation, by encouraging many families to remove and settle here: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, &c. it is hereby enacted, by the authority of the same*, That the honorable John Blair, William Nelson, Thomas Nelson, Philip Grymes, Peter Randolph, and John Tayloe, esquires; John Robinson, Charles Carter, Peyton Randolph, Richard Bland, Landon Carter, William Randolph, Benjamin Harrison, William Digges, Dudley Digges, Lewis Burwell,

George Wythe, Thomas Whiting, and Edmund Pendleton, esquires, or any seven of them, shall be, and they are hereby nominated, constituted, and appointed trustees for the appropriation of the money hereafter mentioned to be disposed of in bounties or premiums for the more speedy and effectual bringing to perfection any art or manufacture of service to the public.

II. *And be it further enacted, by the authority aforesaid,* That the said trustees, or any seven of them, shall and may, and they are hereby authorized and empowered to appoint a select number of themselves, not exceeding seven, to be a committee of correspondence to write to and correspond with all such persons as they shall judge may give them any useful insight or intelligence in any art or manufacture. And that the said trustees shall keep a register or journal of their proceedings, and may appoint a clerk for that purpose, and allow him such salary as they shall think adequate to his trouble, to be paid out of the fund herein after mentioned, and shall lay such register or journal before the General Assembly whenever thereto required.

Duty of trustees.

III. *And to the end that all persons may be acquainted what particular arts or manufactures are thought proper to be encouraged,* shall, and they are hereby directed and required to give public notice in the Gazette as often as shall be necessary what bounties or premiums they intend to give, and upon what account; and shall also in the same manner publish the particular times and places for making experiments and adjudging the said bounties or premiums to the persons entitled thereto.

Notice of premiums.

IV. *Provided always,* That the bounty or premium given for any one discovery or improvement shall not exceed the sum of twenty pounds. And that in case any trustee appointed by this act, or hereafter to be chosen, shall be adjudged to be entitled to such bounty or premium, the same shall not be paid, but remain in the common fund for the better encouragement of others.

Maximum of premium.

V. *And to the end that this act may be as useful as possible,* the said trustees shall, and they are hereby directed and required to give, from time to time, public notice in the Gazette of any useful discovery they may make or receive from their correspondents.

Useful discoveries how notified.



Premiums,  
how paid.

VI. *And be it further enacted, by the authority aforesaid,* That the treasurer of this colony and dominion, for the time being, appointed by or pursuant to an act of Assembly, shall and may, and he is hereby empowered and required, out of the public money that shall be in his hands, to pay all such bounties and premiums as the said trustees shall award, and he shall be required and authorised to do by warrant from the governor or commander in chief for the time being, to whom the said trustees are hereby empowered and required to apply for the issuing of such warrants.

Limitation.

VII. *Provided always, and be it further enacted, by the authority aforesaid,* That the whole sum so to be issued shall not exceed the sum of one thousand pounds.

Subscriptions,  
how received.

VIII. *And be it further enacted, by the authority aforesaid,* That the said trustees may receive, and they are hereby empowered to receive subscriptions from all such persons as shall be willing to encourage the design and intention of this act, and to dispose of the money they receive thereby in manner before-mentioned: And they are hereby required to keep a regular account of what shall be paid to them for such subscriptions, and to lay the same before the General Assembly whenever thereto required.

Vacancies  
of trustees,  
how supplied.

IX. *And be it further enacted, by the authority aforesaid,* That in case of the death or resignation of any of the said trustees, the survivors of them shall and may, and they are hereby required to elect and chuse another able and discreet person to act in the room of such trustee so dying or resigning.

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## CHAP. XV.

### *An Act for raising a public Levy.*

Taxes of  
1759.

I. *BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That six pounds of tobacco be paid by every tithable person within this dominion, for the defraying and payment of the public charge of the country, being the public

levy from the fourteenth day of April, one thousand seven hundred and fifty-seven, to the twenty second day of February, one thousand seven hundred and fifty-nine; and that it be paid by the collectors of the several counties to the several persons and counties, respectively, to whom it is proportioned by this General Assembly: And if it shall happen that there shall be more tithables in any county than the present levy is laid on, then such county shall have credit for so much to the use of the county, and if fewer tithables in any county, then such county shall bear the loss.

II. *Provided Always*, That where any allowance is made in the book of proportions to any county to be paid in the same county, no more per poll shall be collected from the tithables of such county than will discharge the balance after such allowance shall be deducted, and that every county court shall regulate the levy accordingly.

III. *And be it further enacted, by the authority afore-* Sheriffs to give bond.  
*said*, That the sheriff of every county shall, at the court of his county to be held in the months of September or October next, give bond and security for the due collection and payment of the public levy now laid and assessed.

IV. And whereas there are several balances due to the public from the following counties, to wit, the county of Albemarle, eleven thousand one hundred and ninety-eight; the county of Amelia, sixteen thousand and fifty-two; the county of Charles-City, nine thousand seven hundred and forty-eight; the county of Dinwiddie, five thousand five hundred and forty-three; the county of Gloucester, thirteen thousand seven hundred and fifty; the county of Middlesex, eight thousand seven hundred and thirty-five; the county of New-Kent, seven thousand two hundred and eighty-three; the county of Prince-George, four thousand seven hundred and sixty-two; the county of Southampton, twelve thousand two hundred and forty six; and the county of Sussex, five thousand six hundred and eighty pounds of tobacco, as appears by the book of proportions: *Be it further enacted, by the authority afore-* Arrears of certain counties to be paid to the Burgesses.  
*said*, That the sheriff of each of the said counties of Albemarle, Amelia, Charles-City, Dinwiddie, Gloucester, Middlesex, New-Kent, Prince-George, Southampton, and Sussex shall pay the respective sums of tobacco levied in his county as a depositum for the use



of the public, to the Burgesses for the counties in which the said depositums are levied respectively, on or before the tenth day of June, one thousand seven hundred and sixty, to be by them sold and accounted for to the treasurer of this colony, for the time being, for the use of the public.

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CHAP. XVI.

*An Act to enable the Inhabitants of the County of Loudoun to pay their public Dues and Officers Fees in Money, and for other purposes therein mentioned.*

Public dues  
in Loudoun,  
payable in  
money.

I. WHEREAS the inhabitants of the county of Loudoun make but little tobacco, and many of them none, by means whereof they are subject to great impositions in discharging their public dues and officers fees, for remedy whereof, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That it shall and may be lawful to and for all and every person and persons, chargeable with any tobacco for public dues or officers fees, payable in the said county, to discharge the same in money, at twelve shillings and six pence per hundred.

Witnesses  
attendance  
how paid.

II. *And be it further enacted, by the authority aforesaid,* That all tobacco due to witnesses for their attendance, in any county where the levies and officers fees are by law payable in money, shall and may be discharged at the same price as the levies and officers fees in any such county may be discharged at, any law, usage or custom to the contrary notwithstanding.

III. *And be it further enacted, by the authority aforesaid,* That this act shall commence and be in force from and immediately after the first day of December next ensuing.

## CHAP. XVII.

*An Act to dock the Intail of certain lands whereof Tunstal Banks is seized, and for settling other lands, and certain slaves, therein mentioned, of greater value to the same uses.*

I. WHEREAS William Banks, the elder, formerly of the parish of Saint Stephen in the county of King and Queen, deceased, was in his lifetime, and at the time of his death, seized in fee-simple of and in one certain tract or parcel of land which he then called his Home-Dividend of land, but now commonly called Mantapike, containing by estimation twelve hundred acres, lying and being in the said parish and county: And being so seized, did make his last will and testament, in writing, bearing date the tenth day of November, one thousand seven hundred & nine, & did thereby devise the said land in the manner following: “*Item, I give and bequeath to my son Ralph Banks, conditionally, that he no ways aliene nor transfer my land hereafter mentioned to any other use than to the use or uses that shall be by me herein declared, all and every part of my Home-Dividend of land whereon I now live, situate, lying and being in the parish and county aforesaid, even to him my said son Ralph, and to the heirs of his body, lawfully begotten, for ever; meaning his children present or hereafter, to whom the right and inheritance of, in and to the said land shall descend and go, in case they or any of them survive him, but in case he survive all of them, that then my said son Ralph Banks be at his own liberty to will and devise the premisses as he shall think fit.*” And soon after making the said will the said testator, William Banks, died; after whose death the said Ralph Banks, his son and devisee, entered into the said twelve hundred acres of land, called Mantapike, and died thereof seized; leaving issue William Banks, his eldest son and heir at law, who entered into the same and became seized thereof in fee-tail.

Intail of certain lands whereof Tunstall Banks is seized, docked.

II. And whereas by one act of Assembly, made in the fifteenth year of the reign of your majesty, intituled, An act to invest certain entailed lands, part of a



greater tract, therein mentioned, in George Braxton, the younger, in fee-simple, and for settling other lands of greater value to the same uses, four hundred and twenty acres of land, part of the said twelve hundred acres, were vested in the said George Braxton, the younger, his heirs and assigns: And one water grist-mill, and three hundred and ninety-four acres of land, with the appurtenances, lying and being in the parish of Saint-John, in the county of King-William, were vested in the said William Banks, and the heirs of his body, lawfully begotten, in lieu thereof.

III. And whereas by one other act of Assembly, made in the eighteenth year of your majesty's reign, intituled, An act for vesting three hundred and ninety-four acres of land, with the appurtenances, in the county of King-William, whereof William Banks is seized in fee-tail, in John Norton, gentleman, in fee-simple, and for settling several slaves therein mentioned in lieu thereof to the same uses, the said water grist-mill, and three hundred and ninety four acres of land, with the appurtenances, were vested in the said John Norton, his heirs and assigns, and several slaves, to wit, Tom, Primus, London, Banno, Bacchus, Betty, Parthenia, Violet, Judy, Myrtilla, Windsor, and George, and their future encrease, were annexed to the residue of the said twelve hundred acres of land, to descend, pass and go therewith.

IV. And whereas the said William Banks, last mentioned died seized of the residue of the said twelve hundred acres of land, with the slaves thereto annexed, some time in the year one thousand seven hundred and forty-eight, leaving issue Tunstal Banks, his eldest son and heir at law, who entered into the same and is now seized thereof in fee-tail.

V. And whereas the said Tunstal Banks is seized in fee-simple of and in one thousand acres of land, lying and being in the parish of Saint-David, in the county of King-William, lately purchased by him from Beverly Stanard, gentleman; and it will be greatly to the advantage of the said Tunstal Banks and his posterity to dock the intail of the residue of the said twelve hundred acres of land called Mantapike, and to settle the said one thousand acres of land, in the parish of Saint David, in the county of King-William, so purchased by the said Tunstal Banks from the said Beverly Stanard, and the slaves aforesaid, with some

others now to be added to them, being of greater value, to the same uses.

VI. And forasmuch as notice hath been published three Sundays successively in the several churches of the said parish of Saint-Stephen, that application would be made to this General Assembly to dock the intail of the residue of the said twelve hundred acres of land called Mantapike, and to settle other lands of greater value to the same uses, pursuant to your majesty's instructions:

VII. May it therefore please your most excellent majesty, at the humble suit of the said Tunstal Banks, that it may be enacted; and *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same.* That the residue of the said twelve hundred acres of land called Mantapike, with the appurtenances, lying and being in the parish of Saint-Stephen, in the county of King and Queen, so as aforesaid devised by the last will and testament of the said William Banks, the elder, to the said Ralph Banks his son, and whereof the said Tunstal Banks is now seized in fee-tail, be, and the same is hereby vested in the said Tunstal Banks, his heirs and assigns, to the only proper use and behoof of the said Tunstal Banks and of his heirs and assigns, for ever; and that the said one thousand acres of land, with the appurtenances, lying and being in the parish of Saint-David, in the county of King-William, purchased by the said Tunstal Banks from the said Beverley Stanard, gentleman, together with the slaves before mentioned, or such of them as are now alive, with their present and future increase; and also the following five slaves, namely, George, Sancho, Cæsar, Daphne, and M-Ander, and their future encrease, shall be, and the same are hereby vested in the said Tunstal Banks, and the heirs of his body, lawfully begotten, and in default of such heirs the same shall remain and descend to such person and persons as the residue of the said twelve hundred acres of land, called Mantapike, would have remained and descended by virtue of the before recited last will and testament of the said William Banks if this act had never been made.

VIII. *And be it further enacted, by the authority aforesaid,* That the estate tail, in the said lands in the county of King-William, hereby settled in lieu of the lands



in the county of King and Queen, shall not at any time hereafter be docked or defeated by writ in the nature of an *ad quod damnum*, or otherwise, except by act of the general assembly of this dominion.

IX. Saving to the king's most excellent majesty, his heirs and successors, and all and every other person and persons, bodies politic and corporate, others than the persons claiming under the said last will and testament of the said William Banks, the elder, all such right, title, interest, and estate, claim and demand as they, every, or any of them, could or might claim if this act had never been made.

X. *Provided always*, That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.

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## CHAP. XVIII.

*An act for vesting certain lands, in the county of Hanover, in Philip Whitehead Claiborne, gentleman, in fee-simple, and for other purposes therein mentioned.*

Certain lands  
in Hanover  
vested in  
Philip  
Whitehead  
Claiborne.

I. WHEREAS Unity Dandridge, late of the county of King-William, widow, now deceased, was in her life time, and at the time of her death, seized in fee-simple of and in several lands and tenements; and by her last will and testament, in writing, bearing date the ninth day of July, one thousand seven hundred and fifty-three, did, among other things, give and devise unto her daughter Elizabeth Claiborne, the wife of Philip Whitehead Claiborne, of the said county of King-William, gentleman, during her natural life, her lands and plantations on mill creek, in Hanover county, containing about eight hundred acres; and a tract of land in Blackwell's neck, in the said county of Hanover, containing about four hundred acres; and also a tract of land purchased by her of colonel Francis West, lying in King-William county, containing about four hundred acres: And at the decease of the said Elizabeth, the said testatrix devised that her

said daughter Elizabeth Claiborne might dispose of the said lands to her children as she should think proper, and to her heirs for ever.

II. And whereas the said Philip Whitehead Claiborne is seized in fee-simple of and in six hundred and five acres of land, lying contiguous and adjoining to the said four hundred acres in the county of King-William, so as aforesaid devised to his wife, with many valuable improvements thereon, and it will be greatly to the advantage of the children of the said Philip Whitehead Claiborne, and the said Elizabeth his wife, to vest the said two tracts of land in the county of Hanover, so as aforesaid devised by the said Unity Dandridge to her daughter Elizabeth Claiborne, in the said Philip Whitehead Claiborne in fee-simple, and to settle the said six hundred and five acres, in the county of King William, to be disposed of by the said Elizabeth, the wife of the said Philip Whitehead Claiborne, according to the will of the said testatrix: *Be it therefore* (at the suit of the said Philip Whitehead Claiborne and Elizabeth his wife) *enacted, and it is hereby enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same,* That the said lands and plantations on mill-creek, and the said four hundred acres of land in Blackwell's neck, in the said county of Hanover, devised as aforesaid by the said Unity Dandridge to her said daughter Elizabeth Claiborne, shall be, and the same are hereby vested in the said Philip Whitehead Claiborne, his heirs and assigns, to his and their own proper use and behoof, for ever: And that the said six hundred and five acres of land, with the improvements thereon, lying and being in the county of King-William, whereof the said Philip Whitehead Claiborne is now seized in fee-simple, shall be, and the same are hereby made liable and subject to the disposal of the said Elizabeth, the wife of the said Philip Whitehead Claiborne, in the same manner as the said lands in the county of Hanover were by the said testatrix Unity Dandridge devised to be disposed of.



## CHAP. XIX.

*An Act for vesting certain lands, belonging to the Pamunkey Indians, in trustees, to be leased out for their benefit.*

Certain lands of Pamunkey Indians vested in trustees, to be leased out.

I. WHEREAS the Indians on Pamunkey river, in the county of King-William, are seized of a very valuable tract of land whereon they live, much more than they can tend in corn and other things; and are also seized of a small quantity of land, separate from the said tract, which is of no other use to them than to furnish them with timber to build their houses, and is greatly wasted and cut down by the adjacent inhabitants; and the said Indians have petitioned this general assembly that the said separate lands may be vested in trustees, to be leased out at reasonable rents, to be applied to their use: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That all the lands belonging to the said Pamunkey Indians, lying in the county of King-William, separate from the tract of land whereon they now live, shall be, and the same are hereby vested in Bernard Moore, Peter Robinson, and Harry Gaines, gentlemen, who are hereby nominated and appointed trustees for managing and taking care of the same for the benefit of the said Indians; and the said trustees, or any two of them, shall and may, and they are hereby impowered and required to lease out the same in such manner, to such person or persons, and for such rent or rents as they shall, from time to time, judge reasonable, and shall apply such rents to and for the use and benefit of the said Indians, in such manner as they shall from time to time find most expedient.*

II. *And be it further enacted, by the authority aforesaid, That in case of the death, removal, or resignation of any of the said trustees, the remaining trustees shall and may, and they are hereby impowered and required to elect one or more person or persons in the room of those so dying, removing, or resigning, who shall have the same power to act in the execution of this trust as if particularly mentioned in this act.*

III. *Provided always*, That the said trustees shall, and they are hereby required to insert in all leases by them to be made of the said lands a clause or clauses to prevent cutting down the timber thereon growing, in order to preserve the same for the use of the said Indians.

IV. *And be it further enacted, by the authority aforesaid*, That the said trustees shall and may, and they are hereby authorized and empowered to commence and prosecute any action or actions against any person or persons trespassing on or doing damage to the said lands, that they could or might commence or prosecute if they were seized thereof in fee simple.

V. *Provided always, and be it further enacted, by the authority aforesaid*, That the damages recovered in any such action or actions shall be applied to the use of the said Indians.

VI. *Provided also*, That no lease shall be made of the said lands to any of the said trustees or their successors, or to any other person or persons to their use or benefit, nor any lease made for a longer term than twenty-one years or three lives.

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## CHAP. XX.

### *An Act for appointing several new Ferries.*

I. WHEREAS it is represented to this present General Assembly that public ferries at the places hereafter mentioned will be of great advantage to travellers and others. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That public ferries be constantly kept at the following places, and the rates for passing the same shall be as follow: that is to say, from Margaret Boyd's, in the county of Halifax, over Dan river, to the said Boyd's land in the said county of Halifax. the price for a man three pence, and for an horse the same: From the land of William Tyler, in the county of Westmoreland, over Potowmack river, to Cedar Point,

New Ferries  
established.



in Maryland, the price for a man one shilling and six pence, and for an horse the same: From the land of Nathaniel Ferry, in the county of Halifax, over Dan river, to Fuqua's land, in the said county of Halifax, the price for a man three pence, and for an horse the same: From the land of Francis Wagstaff, in the county of Lunenburg, over Roanoke river, to the land of Richard Palmer in the same county, the price for a man three pence, and for an horse the same: From the land of John Bramham, junior, in the county of Orange, over the river Rappidan, to Harbin Moore's landing, in the county of Culpeper, the price for a man three pence, and for an horse the same: From the land of Richard Blanks, in the county of Lunenburg, over Staunton river, at a place called Bruas's ford, to the land on the opposite side, in the county of Halifax, the price for a man three pence, and for an horse the same. And for the transportation of wheel-carriages, tobacco, cattle, and other beasts at any of the places aforesaid, the ferry-keeper may demand and take the following rates, that is to say, for every coach, chariot, or waggon, and the driver thereof, the same as for six horses: For every cart or four wheel chaise, and the driver thereof, the same as for four horses: For every two wheel chaise or chair, as for two horses: For every hogshead of tobacco, as for one horse: For every head of nett cattle, as for one horse: For every sheep, goat or lamb, one fifth part of the ferriage of one horse; and for every hog, one fourth part of the ferriage of one horse, according to the prices herein before settled at such ferries respectively, and no more. And if any ferry keeper shall presume to demand and receive from any person or persons whatsoever any greater rate than is hereby allowed for the carriage or ferriage of any thing whatsoever, he or they, for every such offence, shall forfeit and pay to the party grieved the ferriage demanded and received, and ten shillings, to be recovered with costs, before any justice of the peace of the county where such offence shall be committed. And where a ferry is by this act appointed on one side of a river and none on the other side answerable thereto, it shall be lawful for the respective county courts to appoint an opposite ferry, and to allow the respective rates herein before directed; and such courts shall and may, and are hereby required to order and direct what boat or boats, and what number of hands

shall be kept at each ferry respectively; and every such ferry-keeper shall enter into bond in the manner directed by one act of Assembly, made in the twenty-second year of his present majesty's reign, intituled, An act for the settlement and regulation of ferries, and for dispatch of public expresses, and shall be subject and liable to the penalties thereby inflicted for any neglect or omission of their duty.

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CHAP. XXI.

*An Act for dissolving several vestries, and for other purposes therein mentioned.*

I. WHEREAS it hath been represented to this present General Assembly, that the vestries of the parish of Antrim, in the county of Halifax; of the parish of Cameron, in the county of Loudoun; of the parish of Bath, in the county of Dinwiddie; and of the parish of Saint-Patrick, in the county of Prince-Edward, have been guilty of arbitrary and illegal practices, to the great oppression of the inhabitants of the said parishes; and the vestry of the parish of Saint-Anne, in the county of Albemarle, was not legally elected; and that of the parish of Christ-Church, in the county of Lancaster, consists of twenty-four members; and the inhabitants of the said parishes have respectively petitioned this Assembly that the said vestries may be dissolved: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the vestries of the said parishes of Antrim, Cameron, Bath, Saint Anne, Christ-Church, and Saint-Patrick, shall be, and the same are hereby respectively dissolved; and that all and every act and acts, thing and things, which at any time hereafter shall or may be performed by either of the said vestries, as a vestry, shall be, and are hereby declared to be utterly void to all intents and purposes whatsoever.*

Vestries of  
Antrim in  
Halifax, of  
Cameron in  
Loudoun, of  
Bath, in Din-  
widdie, of  
Saint Pa-  
trick in  
Prince Ed-  
ward, of St.  
Anne in Al-  
bemarle, &  
of Christ  
Church in  
Lancaster.  
dissolved.

II. *And be it further enacted, by the authority afore-  
said, That the freeholders and house-keepers of the*



said parishes of Antrim, Cameron, Bath, Saint-Anne, Christ-Church, and Saint-Patrick, respectively, shall meet at some convenient time and place, to be appointed and publicly advertised, at least one month before, by the sheriff of the said counties respectively, before the first day of August next, and then and there elect twelve of the most able & discreet persons of the said parishes, respectively, to be vestrymen of the same; which said persons, so elected, having, in the courts of the said respective counties, taken and subscribed the oaths appointed to be taken by one act of Parliament, made in the first year of the reign of his late majesty king George the first, intituled, An act for the further security of his majesty's person and government, and for the succession of the crown in the heirs of the late princess Sophia (being Protestants) and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall to all intents and purposes be deemed and taken to be the vestrymen of the said parishes for which they shall be respectively chosen.

Vestrymen joining congregations dissenting from the church of England, how disqualified.

III. And whereas many vestrymen in this colony have, since the time of their election, dissented from the communion of the church of England, and joined themselves to a dissenting congregation, yet still continue to act as vestrymen: *Be it enacted, by the authority aforesaid,* That all vestrymen in this colony who now have or hereafter shall become members of any dissenting congregation, the vestry whereof they are or shall become members shall make information thereof to the court of the county in which such member shall reside, who are hereby required and impowered to summon the person or persons so complained of to appear at the next court to be held for such county; and if the party so summoned shall refuse to appear, or if he or they shall refuse to acknowledge in court that he is not a dissenter from the church of England, as by law established, in either case the other members of the vestry, whereof the person or persons so refusing shall be a member, shall and may elect, and they are hereby impowered and required to elect one other person to act as a vestryman in the room of every such dissenter, and every such dissenter shall no longer be or act as a vestryman in such parish.

IV. *Provided nevertheless*, If such dissenter shall at Proviso. any time after join himself to the communion of the church of England, he may be re-elected into the vestry of the parish whereof he is a member on any future vacancy, and may act as a vestryman on taking the oaths, and subscribing the test, and to be conformable to the doctrine and discipline of the church of England in manner before by this act directed.

V. *Provided also*, That if the number of vestrymen, Further proviso. who are not dissenters, in any parish, shall be less than seven, in that case such vestrymen shall not have power to make information thereof to the court, or to elect others in the room of such dissenters, but such vestry shall continue as at present until the matter shall be represented to the General Assembly.

VI. And whereas doubts have arisen what number of vestrymen are necessary to constitute a vestry, for explaining whereof, *Be it further enacted, by the authority aforesaid*, That no vestry shall hereafter proceed to do any business as a vestry unless at least seven of their members be present, but if seven or more be present, and the major part of them shall concur in any act or order, the same shall be valid and binding, although the number so concurring be less than seven. Number necessary to constitute a vestry.

VII. *And be it further enacted*, That no minister or vestryman shall at any time hereafter act as clerk of the vestry whereof he is a member.

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## CHAP. XXII.

*An Act for dissolving the vestry of the parish of Suffolk, in the county of Nansemond, and for other purposes therein mentioned.*

I. WHEREAS the vestry of the parish of Suffolk, in the county of Nansemond, have been guilty of several unwarrantable practices in the misapplication of divers charitable donations given for the use of the Vestry of Suffolk in Nansemond dissolved.



poor of that part of the said parish known by the name of the Lower parish, and the inhabitants of that part of the said parish have petitioned this present general assembly that the said vestry may be dissolved: *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the vestry of the said parish of Suffolk, in the said county of Nansemond, be, and the same is hereby dissolved; and that all and every act and acts, thing and things, which at any time hereafter shall or may be performed, suffered, or done by them as a vestry, or pretended vestry of the said parish, shall be, and are hereby declared to be utterly void to all intents and purposes whatsoever.*

II. *And be it further enacted, by the authority aforesaid, That the freeholders and house-keepers of the said parish of Suffolk shall meet at some convenient time and place, to be appointed and publickly advertised by the sheriff of the said county, at least one month before the first day of July next, and then and there elect twelve of the most able and discreet persons of the said parish to be vestrymen thereof; which said vestrymen, so elected, having, in the court of the said county of Nansemond, taken and subscribed the oaths appointed to be taken by one act of parliament, made in the first year of the reign of his late majesty king George the first, intituled, An Act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia (being protestants) and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall to all intents and purposes be deemed and taken to be the vestrymen of the said parish.*

Donations of land by Richard Bennett and Thomas Tilly, to lower parish of Nansemond, how appropriated.

III. *And whereas Richard Bennett, esquire, late of the said county of Nansemond, deceased, by his last will and testament, devised unto the churchwardens of the lower parish of Nansemond county a certain plantation and parcel of land, lying and being in the said county, the rents of which he directed to be disposed of by the churchwardens of the said parish towards the relief of four poor, aged, or impotent per-*

sons whom they should judge to stand in most need of help. And whereas Thomas Tilly, late of the same county, deceased, gave some land, lying in the said lower parish, for the use of the poor of the said parish. And whereas Richard Bennett, esquire, late of the province of Maryland, deceased, by his last will and testament, directed there should be paid annually to the churchwardens of the lower parish of Nansemond, thirty pounds Virginia currency, to be applied by them in the most beneficial manner for the clothing of such and so many poor people, men or women, as the vestry and churchwardens of the said parish shall judge to be most needy and necessitous: To the end that the said charitable donations may for the future be disposed of according to the wills of the said testators, *Be it further enacted, by the authority aforesaid,* That the churchwardens of the said parish of Suffolk shall apply, and they are hereby required to apply all the said charities to and for the relief of such poor persons that shall be actually residing in and belonging to that part of the said parish formerly called the lower parish of Nansemond county, agreeable to the wills of the said several testators, and not such as have or may be sent there from any other part of the said parish of Suffolk, and to and for no other use or purpose whatsoever.

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### CHAP. XXIII.

#### *An Act for establishing several towns therein mentioned.*

I. WHEREAS the erecting towns on the frontiers of this colony may be of great benefit to the inhabitants, by encouraging many of them to settle together, which will enable them the better to defend their lives and properties on any sudden incursion of the enemy. Preamble

II. And whereas it hath been represented to this present general assembly, that James Roberts, the younger, of the county of Halifax, hath laid off one hundred acres of land, adjoining the court-house of Towns of  
Peytonburg  
in Halifax, &  
of Da'ron-  
burg in La.



nenburg es-  
tablished.

that county, into streets, and lots of half an acre each, and that several persons are now settled there, and many more would soon settle if the same was by law erected into a town. And that one hundred acres of land, belonging to Clement Read and John Pleasant, in the county of Lunenburg, where the public magazine was lately erected, are laid off into lots and streets for a town, and that many persons have subscribed for such lots: *Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same.* That the land so laid out by the said James Roberts, the younger, in the county of Halifax, and the land so laid off in the county of Lunenburg, at the place where the public magazine was lately erected, shall be, and are hereby respectively established a town; and that the said town, in the county of Halifax, shall be called and known by the name of Peytonsburgh, and the town in the county of Lunenburg shall be called and known by the name of Dalstonburgh.

Town of  
Fairfax in  
Culpeper es-  
tablished.

III. And whereas it hath been represented to this present general assembly, that the land of Robert Coleman, in the county of Culpeper, where the court-house is erected, is an high and pleasant situation for a town, and that if a town was laid off there it would encourage a number of useful tradesmen and others to settle there: *Be it therefore further enacted, by the authority aforesaid,* That thirty acres of the said land (including the court-house) shall be laid off into lots and streets for a town, and shall be called and known by the name of Fairfax: And that Thomas Slaughter, William Green, Philip Clayton, Nathaniel Pendleton, and Wm. Williams, gentlemen shall be, and they are hereby constituted and appointed trustees for the said town; and they, or any three or more of them, are hereby authorized and empowered to lay off the said thirty acres of land into lots and streets, and from time to time to settle and determine all disputes concerning the bounds of the lots of the said town, and to settle and establish such rules and orders for the more regular and orderly building of the houses in the said town as to them shall seem best and most convenient.

Provision for  
Benjamin  
Davis lessee

IV. And whereas Benjamin Davis, of the said county of Culpeper, now holds the land hereby directed to be laid off for a town, by virtue of a lease from the

said Robert Coleman, and the laying off the said town of Robert Coleman. may be a prejudice to him, which he is nevertheless willing should be done, provided part of his rent is deducted, and the use of his houses he now occupys reserved to him during the term of his lease, to which the said Robert Coleman hath assented: *Be it further enacted, by the authority aforesaid,* That one fifth part of the annual rent, to be paid by the said Benjamin Davis to the said Robert Coleman, for the land held by the said lease, shall be deducted by the said Benjamin Davis; and that he shall nevertheless hold and enjoy all and singular the houses he is now in possession of by virtue of the said lease during the continuance of the same, notwithstanding any such house or houses may happen to be on different lots when the said land is laid off by the said trustees.

V. And whereas it is necessary that trustees should be appointed for the towns hereby erected in the counties of Halifax and Lunenburg, *Be it therefore further enacted, by the authority aforesaid,* That James Roberts, William Wright, Theophilus Lacy, Robert Wade, junior, and Nathaniel Terry, gentlemen, be, and they are hereby nominated, constituted and appointed trustees for the said town of Peytonsburg, in the county of Halifax; and Clement Read, Thomas Boulden, Thomas Bedford, Paul Carrington, William Caldwell, David Caldwell, and Clement Read, junior, gentlemen, for the said town of Dalstonburgh, in the county of Lunenburg. And the said trustees, or any three of them, respectively, shall and may, and they are hereby authorized and empowered to make, from time to time, such orders, rules and directions for the regular and orderly building the houses in the said towns, respectively, as to them shall seem expedient; and also to settle all disputes and controversies concerning the bounds of the lots in such towns, respectively.

VI. *And be it further enacted, by the authority aforesaid,* That it shall not be lawful for any person whatsoever to erect or build, or cause to be erected or built, in any of the towns by this act erected, any wooden chimney: And if any person shall presume to erect or build any wooden chimney in any of the said towns, it shall and may be lawful for the sheriff of the county in which such town is situate, and he is hereby required to cause every such chimney to be pulled down and demolished.

Wooden  
chimnies not  
to be built.



## CHAP. XXIV.

*An Act to prevent the justices of Dinwiddie from obliging the justices of Chesterfield to join with them in building a bridge, over Appamattox river, at a place called Browder's Island.*

Justices of  
Chesterfield  
not compell-  
able to join  
those of Din-  
widdie, in  
building a  
bridge over  
Appomattox

I. WHEREAS a bridge hath lately been erected by one Browder, over Appamattox river, just below the falls thereof, between the counties of Chesterfield and Dinwiddie, and the said bridge is of little or no advantage to the inhabitants of the said county of Chesterfield.

II. And whereas by a clause of an act of assembly, made in the twenty-fifth year of the reign of his present majesty, intituled, An Act for building a bridge over Appamattox river by subscription, the justices of both the said counties were prohibited from levying any money or tobacco on the inhabitants of the said counties for re-building the bridge in the said act mentioned: And the said bridge is now out of repair, and from its great conveniency to the public will be re-built by subscription.

III. And whereas it will be very burthensome to the inhabitants of the said county of Chesterfield to be obliged to join with the inhabitants of the said county of Dinwiddie in the charges of re-building or keeping in repair the bridge known by the name of Browder's: *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the justices of the county of Chesterfield shall not be obliged at any time hereafter to join with the justices of the county of Dinwiddie to build a bridge over the said river, at the place aforesaid, at the charge of the said county of Chesterfield, any law, usage or custom to the contrary thereof in any wise notwithstanding.*

## CHAP. XXV.

*An Act for putting Matchotique and Mattox Warehouses, in the county of Westmoreland, under one inspection; for erecting a Warehouse at Stratford landing, in the said county, and for other purposes therein mentioned.*

I. WHEREAS the warehouses established for the inspection of tobacco at Matchotique and Mattox, in the county of Westmoreland, are conveniently situated for being under one inspection, and the tobacco brought to both places may easily be inspected by one set of inspectors: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act the said warehouses at Matchotique and Mattox shall be under one inspection; and that there shall be paid to each of the inspectors attending the same the sum of thirty pounds per annum for their salaries.*

Matchotique and Mattox warehouses, united under one inspection.

II. And whereas it will be of great advantage to many of the inhabitants of the said county if warehouses for the inspection of tobacco were erected on the land of the honourable Philip Ludwell Lee, esquire, at a place called Stratford landing, in the said county: *Be it further enacted, by the authority aforesaid, That from and after the passing of this act public warehouses for the inspection of tobacco shall be kept on the land of the said Philip Ludwell Lee, esquire, at the place called Stratford landing, in the said county of Westmoreland; and that there shall be paid to each of the inspectors attending the same the sum of twenty-five pounds per annum for their salaries.*

Stratford, in Westmoreland established.

III. And whereas much of the tobacco that used to be carried to Nominy warehouses, in the said county of Westmoreland, will be probably carried to the warehouses to be erected at Stratford landing, and the business of the inspectors at Nominy much lessened thereby: *Be it further enacted, by the authority aforesaid, That from and after the passing of this act the*



salaries of the inspectors at Nominy warehouses shall be only thirty pounds per annum each.

IV. And forasmuch as the quantity of tobacco brought to Peyton's warehouse, on Occoquan river, in the county of Prince-William, is so small that the keeping up an inspection for tobacco there will be of no benefit or advantage to the public, and the said warehouses are already become burthensome to the said county: *Be it therefore enacted, by the authority aforesaid,* That from and after the passing of this act the said warehouses shall be, and the same are hereby discontinued, any law, custom or usage to the contrary thereof notwithstanding.

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## CHAP. XXVI.

### *An Act for altering several court days therein mentioned.*

Court days  
of Essex,  
Dinwiddie,  
Brunswick,  
and Spotsyl-  
vania altered.

I. WHEREAS the court days for the counties of Essex, Dinwiddie, Brunswick, and Spotsylvania, as they are now settled, are found to be very inconvenient as well to the inhabitants of the said counties as others who are obliged to attend business at those courts; therefore, for rendering the same more convenient, *Be it enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the first day of June next the court of the said county of Essex shall be constantly held on the third Monday in every month: The court of the said county of Denwiddie shall be constantly held on the third Monday in every month: The court of the said county of Brunswick shall be constantly held on the fourth Monday in every month; and the court of the said county of Spotsylvania shall be constantly held on the first Monday in every month, any law, custom or usage to the contrary notwithstanding.

## CHAP. XXVII.

*An Act for dividing the county of Prince-William.*

I. WHEREAS many inconveniencies attend the inhabitants of the county of Prince-William, by reason of the great extent thereof, and their remote situation from the court-house, and the said inhabitants have petitioned this present general assembly that the said county may be divided: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and immediately after the first day of May next the said county of Prince-William shall be divided into two distinct counties, that is to say: All that part of the said county that lies above a line to be run from the head of Bull run, and along the top of Bull run mountains, to Chapman's mill, in Broad run thoroughfare, from thence by a direct line to the head of Dorrel's run, and from thence by a direct line till it intersects the nearest part of the line dividing Stafford and Prince-William counties, shall be one distinct county, and called and known by the name of Fauquier: And all that other part thereof below the said bounds shall be one other distinct county, and retain the name of Prince-William.

Prince-Wil-  
liam county  
divided.

Fauquier  
county form  
ed.

II. And for the due administration of justice in the said county of Fauquier, after the same shall take place, *Be it further enacted, by the authority aforesaid,* That after the said first day of May a court for the said county of Fauquier be constantly held by the justices thereof, upon the fourth Thursday in every month, in such manner as by the laws of this colony is provided, and shall be by their commission directed.

Court days.

III. *Provided always,* That nothing herein contained shall be construed to hinder the sheriff or collector of the said county of Prince-William, as the same now stands entire and undivided, from collecting and making distress for any public dues or officers fees which shall remain unpaid by the inhabitants of the said county of Fauquier at the time of its taking place, but



such sheriff or collector shall have the same power to collect or distrain for the said dues and fees, and shall be answerable for them in the same manner as if this act had never been made, any law, custom or usage to the contrary thereof in any wise notwithstanding.

IV. *And be it further enacted, by the authority aforesaid,* That the court of the said county of Prince-William shall have jurisdiction of all actions and suits both in law and equity which shall be depending before them at the time the said division shall take place, and shall and may try and determine all such actions and suits, and issue process, and award execution against the body and estate of the defendant or defendants in any such action or suit, in the same manner as if this act had never been made, any law, usage or custom to the contrary thereof notwithstanding.

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#### CHAP. XXVIII.

*An Act for giving a certain sum of money therein mentioned to purchase corn for the relief of the south western parts of this colony in their present distress.*

Donation to purchase corn for relief of inhabitants, on south western parts of the colony.

I. WHEREAS it hath been represented to this general assembly that many of the poor inhabitants on the south western frontiers of this colony, by reason of the shortness of the last years crop of corn and other grain, occasioned by the extraordinary drought in those parts, are in the greatest distress, and it being impracticable for individuals so remote from navigation to employ vessels and carriages to transport the small quantity of corn they respectively want to their habitations, and many of them will in all probability perish for want of food unless timely relieved.

II. And whereas it is thought expedient at all times, especially at this juncture, by every reasonable means to encourage the settlement of our frontiers and prevent the inhabitants from being obliged to desert their said settlements, which they must inevitably do if not

in some manner relieved: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, & it is hereby enacted, by the authority of the same,* That John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of assembly, out of the public money that shall be in his hands, shall, by warrant or warrants from the governor or commander in chief of this colony, who is hereby desired to issue the same, pay to Archibald Cary and William Newsum, gentlemen, all such sum and sums of money as shall be necessary for the purposes herein after mentioned, so as the whole sum so to be paid by the said treasurer shall not exceed one thousand pounds; which said sum or sums of money shall by the trustees aforesaid be laid out and expended in the purchase of bread, corn or other grain, for the relief of the aforesaid inhabitants: And the said trustees are hereby impowered and required to hire vessels, carts, waggons or other carriages to transport the same to such places as they shall think most convenient to answer the purposes aforesaid; and to impower, by a warrant from under their hands and seals, some fit and discreet persons, in each of the counties intended to be relieved by this act, to see the same distributed to and amongst the inhabitants of their respective counties, which persons so appointed shall be impowered to demand and receive of the several persons to whom the same shall be given out and distributed (except such persons only as are really poor and indigent, whose circumstances are to be judged of by the aforesaid trustees) such a price as will reimburse the public the money paid for the said corn, and the expence of the carriage or transportation thereof: And in case such persons shall not be able to pay down the money, to take bond and sufficient security for the payment thereof, in a reasonable time after they shall have received the bread corn or other grain, which bonds so taken shall be made payable to the trustees aforesaid, for and on the behalf of the public; and they shall render an account of their proceedings in those particulars to the trustees aforesaid; and the said trustees shall, and they are hereby required to keep an account of the money they shall receive by virtue of this act, how the same hath



been laid out and expended, and to whom the produce thereof hath been delivered, and lay the same before the general assembly when thereto required.

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CHAP. XXIX.

*An Act for enlarging the towns of Fredericksburg and Winchester, the city of Williamsburg, and town of Dumfries.*

Recital.

I. WHEREAS by an act of assembly made in the first year of the reign of his present majesty, a town was established in the county of Spotsylvania, on the river Rappahannock, by the name of Fredericksburg, which daily increases; and whereas the inhabitants of the said town, with the consent and approbation of the trustees, and the proprietors of the lands adjacent thereto, have made their humble petition to this general assembly, that a certain quantity of the said adjacent lands may be added to, and made part of, the said town of Fredericksburg; and that the purchasers of the said lots may enjoy the same privileges and advantages, as the freeholders and inhabitants of the said town do at present enjoy.

Town of  
Fredericks-  
burg enlarg-  
ed.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That so much of the said adjacent lands as extends ninety-two poles in length, from the upper line of the said town, up the river Rappahannock, one hundred and twenty poles down the said river, from the lower line, and forty eight poles from the back line of the said town, to be bounded by parallel lines, run from the said river at the extremity of the said additional upper and lower number of poles, to another line run parallel to the back line of the said town, at the extremity of the said forty-eight poles, continued for breadth from the said back line, shall be added to, and made part of, the said town of Fredericksburg: That the trustees and directors of the said town shall have full power and authority to direct the surveyor of the*

Boundaries.

county of Spotsylvania to lay off the said additional land into streets and lots, as they shall think fit. so as the streets running parallel to the river shall be of the same dimensions with the streets in the said town, and the streets running from the back line of the said additional lands to the river forty feet wide, (except the streets already laid off by the executors of Henry Willis, deceased, which are to remain as they now are,) to be disposed of by the present proprietors, at their pleasure; and that the freeholders and inhabitants of the said additional lots shall have and enjoy the same rights, privileges and immunities, that the freeholders and inhabitants of the said town do now enjoy, so soon as the lots shall be built upon, according to the direction of the act of assembly establishing the said town, and shall not be liable or subject to a forfeiture of their said lots for not building and improving the same, as was required of the purchasers of lots in the said town by the before mentioned act of assembly: Provided, that the street between the lots numbered nine and ten in the plan of the said town, and seventeen in the addition laid off by the executors of Henry Willis, deceased, and the street called Sophia street, shall remain as they now are, and shall not be extended or altered by the said trustees.

III. *And be it further enacted, by the authority afore-* Wharf at ferry landing.  
*said,* That the wharf at the ferry landing on the lot of James Hunter be, and the same is hereby vested in the proprietor for the time being of the warehouses erected in the said town for the inspection of tobacco, who is hereby directed and required to keep the same in repair, and not to enlarge or extend the same so as to hurt or prejudice the ferry landing.

IV. *And be it further enacted, by the authority afore-* Trustees.  
*said,* That the trustees of the said town shall and may elect, and they are hereby impowered and required to elect two persons, inhabitants of the said town, to be joint trustees with them, which persons so elected shall have the same power and authority as the present trustees have.

V. And whereas by an act of assembly, made in the twenty-fifth year of his present majesty's reign, a town was established at Winchester, in the county of Frederick, which greatly encreases in inhabitants, and the right honorable the lord Fairfax having laid off one hundred and seventy-three lots adjoining the said town  
Town of Winchester enlarged.



with proper streets, have petitioned this present general assembly that the same may be added to and made part of the said town of Winchester, and that the purchasers of the said lots may enjoy the same privileges and advantages as the freeholders and inhabitants of the said town do enjoy: *Be it therefore enacted, by the authority aforesaid,* That the said one hundred and seventy-three lots, so laid out as aforesaid by his lordship, shall be added to and made part of the said town, and that the freeholders and inhabitants thereof shall have and enjoy the same rights, privileges and immunities that the freeholders and inhabitants of the said town of Winchester do now enjoy.

City of Williamsburg enlarged.

VI. And whereas Matthew Moody hath laid off a parcel of his land, in the county of York, adjoining the city of Williamsburg, on the west side of the road leading to queen Mary's port, into twelve lots; and Benjamin Waller hath also laid off a parcel of his land, in the county of James City, bounded westwardly by the eastern bounds of the said city, northwardly by the road leading to York town, eastwardly by the lots heretofore laid off by the said Benjamin Waller, and southwardly by the land of Philip Johnson, into lots, and it hath been represented to this assembly that it will be advantageous to the said city to take the said lots into the limits thereof: *Be it therefore further enacted, by the authority aforesaid,* That the land laid out as aforesaid, by the said Matthew Moody and Benjamin Waller, into lots, so soon as the same shall be built upon, and saved according to the condition of the deeds of conveyance thereof, shall be added to and made part of the said city of Williamsburg, and the freeholders and inhabitants thereof shall then be entitled to, and have, and enjoy all the rights, privileges and immunities granted to and enjoyed by the freeholders or inhabitants of the said city, and shall be subject to the same jurisdiction, rules and government.

Town of Dumfries enlarged.

VII. And whereas James Douglas and Martin Hardin have laid out about three acres of their land, in the county of Prince-William, adjoining to the town of Dumfries, into lots, and it hath been represented to this assembly that it will be advantageous to the said town to take the said lots into the limits thereof: *Be it further enacted, by the authority aforesaid,* That the land laid out as aforesaid, by the said James Douglas and Martin Hardin, into lots, so soon as the same

shall be built upon, and saved in the same manner as the lots in the said town were directed to be built upon and saved by the act of assembly establishing the same, shall be added to and made part of the said town of Dumfries, and the freeholders and inhabitants thereof shall then be entitled to, and have and enjoy all the rights, privileges and immunities granted to or enjoyed by the freeholders and inhabitants of the said town.

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CHAP. XXX.

*An Act for the better regulating Eaton's  
Charity-School.*

I. WHEREAS notwithstanding the act of general assembly, made in the third and fourth years of the reign of his present majesty, intituled, An Act to enable the justices of the peace of the county of Elizabeth-City, and the minister and churchwardens of the parish of Elizabeth-City, in the said county, for the time being, to take and hold certain lands, given by Thomas Eaton, and to let leases thereof, part of the said lands hath been unprofitable, the trustees having neglected to let the same; and it is doubted whether the said trustees have power to recover damages for any waste committed on the said land by the tenants, or for breach of contract in not building and planting thereon according to the terms of the leases, or for any arrearages of rent, the said trustees not being incorporated by the said act, and some of the said leases being either lost or in the custody of the tenants who will not produce them: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the present justices of the peace of the said county of Elizabeth-City, and minister and churchwardens of the said parish of Elizabeth-City, and their successors, during the time they shall so continue in their respective offices, shall*

Eaton's charity school in Elizabeth-City, regulations concerning.



and may be trustees and governors of the charity-school on the said land, with the appurtenances, and shall for ever hereafter stand and be incorporated, established and founded, in name and deed, a body politic and corporate, to have continuance for ever by the name of Trustees and Governors of Eaton's Charity-School, in the county of Elizabeth-City, and shall and may have perpetual succession, and by that name forever hereafter have, hold and enjoy the said land with the appurtenances; and that the said trustees and governors, and their successors, or the greater part of them, by the same name, shall and may have power, ability and capacity to demise, lease and grant any part of the said tract of land, with the appurtenances, not already letten, for any term of years not exceeding twenty-one, or for any term of years determinable upon one, two or three lives, reserving the best and most improved rent that can be got for the same; and to take, acquire and purchase, sue and be sued, and to do, perform and execute all other acts and things good, necessary and profitable for the said incorporation, in as full and ample manner and form, to all intents, constructions and purposes, as any other incorporation or body politic or corporate may do: And may have and use a common seal for making such their demises, leases and grants, and for doing all and every other thing and things touching or concerning the said incorporation. And that the said trustees and governors, and their successors, for the time being, or the greater part of them, shall and may have full power and authority, by writing, under their common seal, to nominate and appoint, when, and as often as they shall think good, such person as they shall approve of to be master of the said charity-school, such master having been first examined by the minister of the said parish for the time being, and producing from him a certificate of his capacity, and a license from the governor or commander in chief of this dominion, for the time being, agreeable to his majesty's instructions: And the said trustees and governors, and their successors, for the time being, shall and may have full power and authority to visit the said charity-school, and to order and reform the government thereof, and to remove the said master as to them, or the greater part of them, shall seem just and convenient: And that the said trustees and governors, and their suc-

cessors, or the greater part of them, for the time being, shall apply the rents of the said land, with the appurtenances, to the maintenance of the said master and erecting and keeping in repair sufficient houses for his dwelling and teaching the children entitled to the said charity, and the surplus, in case there shall be any, to the other purposes mentioned in the will of the said Thomas Eaton, recited in the said act.

II. *And be it further enacted, by the authority aforesaid,* That the said trustees and governors, and their successors, or the greater part of them, for the time being, shall have full power, ability and capacity, by the name aforesaid, to sue for and recover damages for any waste or trespass committed on the said land, and for not building, planting on and improving the same according to the terms of any leases heretofore made, and all rents and arrears of rent against the person and persons from whom the same are due, his and their executors and administrators: And in case any person or persons, holding any part of the said land by virtue of any lease or leases, will not produce such lease or leases, or accept of a new lease or leases, and cause the same to be recorded in the court of the said county of Elizabeth-City, within six months after the passing of this act, such lease or leases shall be void, and the said trustees and governors, and their successors, or the greater part of them, shall and may demise and let such tenements in the same manner as if such lease or leases had never been made.

III. And whereas it will be for the benefit of the said charity if part of the timber and woods on the said land are sold: *Be it therefore enacted,* That the said trustees and governors, and their successors, shall have full power to sell the said timber and woods off the said land, reserving as much as will be sufficient for building on, repairing and fencing the same, in such manner as shall appear to them to be most beneficial for the said charity, and shall apply the interest thereof, and of the money to be recovered for the damages, rents and arrearages aforesaid, to the purposes herein before mentioned.

IV. And whereas the said foundation hath been abused, by admitting a great number of children into the said school, whose parents are well able to pay for their education: For remedy whereof, *Be it enacted, by the authority aforesaid,* That no person shall en-



joy the benefit of the said charity-school without consent of the master, for the time being, except such poor children as the said trustees and governors, and their successors, or the greater part of them, shall from time to time declare to be the proper objects of the pious founder's charity.

V. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their heirs and successors, other than the person and persons claiming as heir or heirs of the said Thomas Eaton, all such estate, right, title, claim and demand which they, or any of them, should or might have of, in, to, or out of the premisses, or any of them, or any part thereof.

VI. *Provided always*, That no lease shall hereafter be made of the said land, or any part thereof, to the said trustees, or their successors, or to any other person or persons to their use or benefit.

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## CHAP. XXXI.

*An Act for repealing the acts for ascertaining the place where the Court of York county shall be kept, and for altering the place for holding courts in the county of Spotsylvania.*

Acts for ascertaining place where court of York county shall be held and for altering the place of holding courts in Spotsylvania repealed, as being derogatory to the royal prerogative.

1. WHEREAS the act of the general assembly, made in the eighth year of the reign of his late majesty king William the third, of glorious memory, intituled, An Act for ascertaining the place where the court of York county shall be kept, and the act made in the fifth and sixth years of the reign of his present majesty, intituled, An Act for altering the place for holding courts in the county of Spotsylvania, are derogatory to his majesty's prerogative, and have been and may be inconvenient in case of the small-pox or any other contagious distemper raging in the towns of York and Fredericksburg where the court-houses

of the said counties are now established, by taking from the governor or commander in chief of this colony his power and authority of removing or adjourning the courts from the said towns to any other places in the said counties: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same.* That the said act of assembly, made in the eighth year of the reign of his late majesty king William the third, intituled, An Act for ascertaining the place where the court of York county shall be kept: and the said act, made in the fifth and sixth years of the reign of his present majesty, intituled, An Act for altering the place for holding courts in the county of Spotsylvania, shall be, and the same are hereby repealed and made void.

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#### CHAP. XXXII.

*An Act to oblige the owners of Mills, on the river Rappidan, to make openings or slopes in their mill-dams, for the passage of fish.*

I. WHEREAS it hath been represented to this present general assembly, by the inhabitants of the counties of Culpeper and Orange, that they used formerly to catch large quantities of fish in the river Rappidan, to the great relief and satisfaction of themselves and their families, and that they are now deprived of that providential succour by several grist-mills that have lately been erected on the said river, whereby the passage of fish up the same is quite obstructed: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same.* That the owner or proprietor of all and every mill now erected on the said river Rappidan, shall, in the space of six months from and after the passing of this act, make an opening or slope in

Owners of  
mills on river  
Rappidan,  
compelled  
to make  
slopes for  
passage of  
fish.



their respective mill-dams, at least ten-feet wide, sufficient to let fish pass over such mill-dams. And if any owner or proprietor of any such mill shall neglect or refuse to make such opening or slope in his or their mill-dams, within the time aforesaid, every such owner or proprietor shall forfeit and pay the sum of five pounds for every ten days he or they shall so neglect or refuse; one moiety to our lord the king, his heirs and successors, for the use of the poor of the said counties of Culpeper and Orange, and the other moiety to the informer; to be recovered with costs, by action of debt or information, in any court of record within this colony and dominion.

II *And be it further enacted, by the authority aforesaid,* That if any person or persons shall hereafter erect any mill on the said river Rappidan, every such person or persons shall leave the like opening or slope in his or their mill-dam as is herein before mentioned, and in case of neglect or failure shall be subject and liable to the same penalty and forfeiture as the owners or proprietors of mills already built on the said river are by this act subjected and made liable to, to be recovered and appropriated in the manner before mentioned.

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### CHAP. XXXIII.

#### *An Act for paying the Burgesses wages in Money.*

**Burgesses**  
wages paya-  
ble in mo-  
ney.

I. WHEREAS by one act of assembly, made in the third and fourth years of the reign of his present majesty, intituled, An Act for the better regulating the payment of the Burgesses wages, it is among other things enacted, that when any session of assembly should be thereafter held, and upon examination of the treasurer's account it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the burgesses wages, and the clerks and allowances to the respective officers of the general assembly, saving and reserving in the

hands of the treasurer, over and above the said payment, a ballance of one thousand five hundred pounds at the least, then every burgess elected and serving for a county or corporation within this dominion should be paid out of the public money the sum of ten shillings for each day he should serve in the house of Burgesses, with such further allowances, and under such restrictions and regulations as in the said act is at large mentioned.

II. And whereas upon examination of the treasurer's accounts, it appears that there is not money sufficient in his hands to pay the burgesses wages for this present session of assembly, leaving in the hands of the treasurer a balance of one thousand five hundred pounds according to the directions of the said act: Nevertheless, as the payment of the said wages in money, in this time of scarcity, will be a great ease to the poorer sort of people, by lessening the levy by the poll, *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the burgesses wages for this present session of assembly shall be paid by the treasurer, out of the public money in his hands, on or before the twenty-fifth day of April, one thousand seven hundred and sixty, according to the directions and regulations in the said recited ~~act~~ mentioned, any thing in the said act to the contrary thereof in any ways notwithstanding.

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#### CHAP. XXXIV.

*An Act to enable the executors of the will of John Spotswood, esquire, deceased, to pay the debts and legacies due from the estate of major-general Alexander Spotswood, and for other purposes therein mentioned.*

I. WHEREAS major general Alexander Spots-  
wood was at the time of his death seized and possess- Executors of  
John Spots-



wood authorised to sell certain lands in Spotsylvania, Orange, & Culpeper, for payment of debts and legacies, due from estate of major-general Alexander Spotswood.

ed of a large tract of land, lying in the county of Spotsylvania, whereon he had erected works for casting pig iron, and employed therein the greatest part of his slaves; and was also seized of a large tract of land, lying in the counties of Orange and Culpeper on which he had placed some tenants at an annual rent: And being so seized made his last will and testament, in writing, bearing date the nineteenth day of April, one thousand seven hundred and forty, and therein did give and devise to his eldest son John Spotswood, esquire, all his said lands and his working slaves in tail, with several remainders over, in case his said son should die without issue; but impowered his executors to lease out any of his said lands, his said mine tract excepted, for years, or for life or lives, upon such conditions, with such covenants and reservations of rents, for the benefit of his said son, as he the said testator had theretofore leased any of his said lands. And the said testator did further give and devise to his son Robert Spotswood the sum of three thousand pounds sterling, payable at his attaining the age of twenty-one years; and to his two daughters, Anna Catherina and Dorothea, the sum of two thousand pounds sterling each, payable at their respectively arriving to the age of twenty-one years, or marriage, which said sums of seven thousand pounds were to be raised by mortgage or sale of any of his the testator's lands devised to his said son John, his mine tract excepted; and that so much as should seem proper to his wife, for the maintenance and education of his said three younger children until their fortunes should become payable respectively, should be annually paid out of the growing rents and profits of his said lands. And he the said testator did further direct that all the tradesmen and servants, stocks of cattle, horses and hogs, all waggon, carts, and carriages, implements of husbandry and handicraft, and all household furniture which should be employed or any way used in and upon the said mine tract, at the time of his death, should continue thereon and be employed therein until his said son John attained to the age of twenty-one years, when he gave the same to his said son John, requesting and desiring his said son John, in case he should attain to that age, and die without issue male, that he would give the said servants, stocks and goods to his aforesaid son Robert, so that the said iron works might be

carried on and improved according to his intention. And further, the said testator did give and devise to his executors his two cabinets of plate, weighing one thousand and eighty-nine ounces of silver, upon the special trust and confidence that they should permit and suffer his wife to have the use thereof during her natural life, and after her decease to go to his said son John, in case he should arrive to the age of twenty one years, but if he should die before such age to his said son Robert, always desiring that the said cabinets of plate might descend and continue as heirlooms in his family; and after some other small legacies did give the rest of his estate, which was inconsiderable, to be equally divided between his said wife and children; and appointed his said wife, Elliot Bengger, gentleman, and Robert Rose, clerk, executors during the minority of his said son John, as by the said will, remaining of record, in the said county court of Orange, may more fully appear.

II. And whereas in the acquisition of the lands aforesaid, and the setting up the said iron-works, the said major-general Spotswood became, and was at the time of his death, considerably indebted to sundry persons in Great-Britain and this colony, and had moreover on his marriage with his said wife settled on her an annuity of five hundred pounds sterling for life, for her jointure in case she should survive him, so that the profits of the estate devised to the said John Spotswood was so far from paying his father's debts, and raising the younger children's fortunes during his minority, that when he arrived to the age of twenty-one years, and the accounts of the executors were settled by order of the general court, such profits fell about three thousand pounds short of paying the said annuity, the maintenance of the children; and the necessary expences of the said estate, which said John Spotswood was by decree of the said court obliged to pay, besides being liable for the said debts and fortunes which were greatly increased by the growing interest thereof.

III. And whereas the said daughters, Anna Catharina and Dorothea, having respectively married, became entitled to their fortunes, and the said John Spotswood not being able to borrow money upon the security of his lands to discharge the same, used his utmost endeavours to sell as much of the said Orange



and Culpeper lands as would raise the said fortunes and the interest thereof, and frequently advertised public sales thereof, at which he sold ten thousand seven hundred and eleven acres to different persons, for about three thousand pounds current money in the whole, all of which lands he conveyed to the several purchasers, except a tract of about seventeen hundred and fifty acres, purchased by James Hunter, merchant, lying in the county of Culpeper, containing the tenements on which Robert Slaughter, junior, Christopher Thrailkill and Thomas Jerdone then lived, and all the waste lands of the said Spotswood, lying within and adjoining to the lines of the lands of William Rown, Charles Xavenaugh, John Favers, John Parks, William Williams, Robert Coleman Gains, and Clayton Margaret Griffin, Daniel Brown, Philip Rootes, gentleman, John Thompson, Reuben Long, and John Reynolds, for which land the said James Hunter paid the consideration money, but had no conveyance for the same; and the money raised by the sale of the several lands aforesaid being greatly short of the amount of the said daughters fortunes, and several decrees and judgments having passed against the said John Spotswood, as well for the balance thereof as for his father's debts which he had no present means of discharging, he was therefore obliged to draw several bills of exchange upon merchants in Great-Britain no way indebted to him, thereby to gain time and devise some means of raising the money so recovered of him, which bills were returned protested and now remain unsatisfied.

IV. And whereas the said Robert Spotswood, the son, having attained to the age of twenty one years, became entitled to his fortune, and did agree to accept of, and the said John Spotswood accordingly made and executed a mortgage of all the said lands in the counties of Orange and Culpeper, to hold to him the said Robert Spotswood, his executors, administrators or assigns, until the rents and profits thereof should fully satisfy and pay the said fortune of three thousand pounds and the interest thereof.

V. And whereas it manifestly appears to have been the intention and will of major general Spotswood, that his debts and younger childrens fortunes should be chargeable on that part of his estate lying in the counties of Orange and Culpeper, and not on his mine

tract or iron-works, the profits of which he intended for his eldest son to enable him to make provision for any younger sons he might have, out of such profits, and the rather, as the said General Spotswood does not in his said will take any notice of the younger sons which his said son John might have, although he impowers him to charge the intailed estate with a fortune of one thousand pounds for each daughter he should have: Notwithstanding which all the profits of the said iron-works, from the time of the death of General Spotswood to the time of the death of the said John Spotswood, were applied towards those uses and the maintenance of the children, except what was necessary for the support of the said John Spotswood's family, and what he laid out in the purchase of about fifty slaves in order to make provision for his younger son.

VI. And whereas the said John Spotswood is lately dead, leaving Mary his widow and four children, Alexander Spotswood, his eldest son and heir, John, Anne, and Mary Spotswood, his younger children, having first made his last will and testament, in writing, and therein, according to the power given him by his father's will, charged his intailed estate with the sum of one thousand pounds sterling for each of his said daughters, and given to his said daughter Anne a mulatto girl called Betty, and to his daughter Mary a negroe girl named Phillis, and all the rest of his estate he gave to his said younger son John Spotswood in fee-simple; but further directed, that if his son Alexander would pay to his son John one hundred pounds, that then his said son Alexander should have the lands purchased of Ambrose Grayson, adjoining the land he the testator lived on; and also that if his said son Alexander would pay his son John the value of the stocks of cattle, sheep, hogs & horses as they should be appraised, that then he the said Alexander should have the said stocks to him and his assigns for ever: And of his said will appointed John Robinson, esquire, Bernard Moore, John Champe, Edmund Pendleton, and Roger Dixon, gentlemen, and Nicholas Seward, executors, as by the said will, remaining of record, in the said county court of Spotsylvania, may more fully appear: And after the death of the said John Spotswood the said Bernard Moore alone undertook the execution of his said will, the other exe-



cutors having hitherto declined to act therein; and the said Bernard was moreover by the general court appointed guardian to his said sons Alexander and John Spotswood who are under the age of fourteen years.

VII. And whereas the said John Spotswood, deceased, by having drawn the said bills of exchange hath so far made the said debts his own that actions at law may be commenced against his executors, and by that means the whole estate by him devised to his youngest son will in the first instance be swept away, and though the said youngest son may, in a court of equity, be relieved out of the said intailed estate (except the mine tract and iron-works) as to so much of the said debts as are properly chargeable thereon, yet such relief would be tedious and expensive, and involve the family in dissensions and law-suits, and at the same time be prejudicial to the heir in tail, as it is very probable that the reversion of the said tenant lands, after satisfying the said Robert Spotwood's mortgage, could not be sold for the full value thereof: And it is represented to this general assembly that it will be for the benefit of the said heir and younger son, as well as the creditors, if the said Bernard Moore should be allowed to apply the profits of the iron-works, which are very considerable, with the rents and profits of the other estate for and towards the discharging the said debts, whereby the said tenanted land may be exonerated and saved to the heir, and the small estate devised to the younger son preserved for him, which is the most just and reasonable as there are not sufficient of the intailed slaves to carry on the said iron-works, but it is necessary that some of the slaves of the younger son should be employed therein: *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same.* That the said Bernard Moore, or the acting executor or executors of the will of the said John Spotswood, deceased, or the guardian for the time being of the said sons Alexander and John Spotswood, shall be, and they are hereby authorized and required to apply the profits of the whole estate, as well the iron-works and the tenanted intailed lands, after the mortgage to the said Robert Spotswood shall be satisfied, as the other estate of which the said John Spotswood died seized and possessed in fee-simple; in the first place, for and

towards the necessary maintenance and education of the children of the said John Spotswood, and the residue in discharge and satisfaction of the several debts due from him and the estate of his said father; and as soon as such debts shall be satisfied and paid then the profits of the whole intailed estate shall be applied to the benefit of the said heir in the same manner as if this act had never been made; and from thenceforth the said younger son, John Spotswood, shall be entitled to the lands, slaves and personal estate devised to him by the said will in manner and upon the terms therein mentioned.

VIII. *Provided always, and be it further enacted,* That this act nor any thing herein contained shall be construed so as to assist or prejudice the dower or title of dower of the aforesaid Mary, the widow of the said John Spotswood, deceased, in or to the said several estates, but that such title of dower shall be determined according to the rules of law and equity in the same manner as if this act had never been made.

IX. *Provided also,* That nothing herein contained shall be taken so as to exempt the acting executor or executors of the will of the said John Spotswood, or the guardian of his said children from being obliged to render accounts of their transactions in the said trusts, but that such accounts shall be rendered and settled according to the directions of the laws now in force relating to executors or guardians.

X. *And be it further enacted, by the authority aforesaid,* That the said tract of land so purchased by the said James Hunter of the said John Spotswood, part of the said intailed lands, be the same one thousand seven hundred and fifty acres, more or less, according to the bounds before described, be, and the same is hereby vested in the said James Hunter, his heirs and assigns, for ever, to his and their own proper use.

XI. And whereas it is represented that a large quantity of the said Orange and Culpeper lands remain unseated, and the quit-rents and taxes thereof will be an annual burthen upon the heir; and although it appears to have been major-general Spotswood's intention that the said lands should be all settled with tenants, yet his executors being all dead, and the issue in tail an infant, it is doubted whether the same can be leased by his gurdian aforesaid: *Be it therefore further enacted, by the authority aforesaid,* That the said



**Bernard Moore, or the guardian or guardians for the time being of the said Alexander Spotswood the son, shall be, and he or they are hereby authorized and empowered, at any time during his minority, to lease out any of the said intailed lands in the counties of Orange and Culpeper for years, or for life or lives, upon such conditions, with such covenants and reservations of rents for the benefit of the said Alexander Spotswood the son, as the said major-general Spotswood had in his life time leased any of his said lands.**

ANNO REGNI

## GEORGI II,

Regis Magnæ Britanniae, Franciae, et  
Hiberniae, tricesimo tertio.

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*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the fourteenth day of September, in the thirty-second year of the reign of our sovereign lord George II. by the grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the year of our Lord, 1758; and from thence continued by several prorogations to Thursday the first of November, in the year of our Lord, 1759; and then held at the Capitol in Williamsburg; being the fourth session of this assembly.*

Francis Fauquier, esq. governor.

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### CHAP. I.

*An Act for granting the sum of ten thousand pounds, for the further protection of this colony.*

I. WHEREAS it is necessary, as well to secure and Preamble.  
preserve the several forts and places reduced to his majesty's obedience by the glorious success of his arms in the last campaign, as to protect the frontiers of this colony from the incursions and threatened invasions



Regiment to  
be continu-  
ed till the  
first day of  
May.

of the Cherokee and other Indians who are still in skulking parties ravaging our borders, that part of the forces now in the pay of this colony should be further continued in our service, from the first day of December next, to which time they now stand provided for, until the first day of May next: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That so much money as shall be necessary for the subsistence and pay of the Virginia regiment, part of the said forces, from the first day of December to the said first day of May following; and for the subsistence and pay of the three companies now on the southern frontiers of this colony, from the said first day of December to the first day of February following, shall be paid by John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of assembly, out of the publick money that shall come to his hands by virtue of this act, to such person or persons as shall be directed, by warrant from the governor or commander in chief of this colony for the time being, so that the sum so to be paid do not exceed, in the whole, the sum of ten thousand pounds, to be accounted for to the general assembly.

Four hun-  
dred may be  
joined with  
his majesty's  
forces.

II. *Provided always, and be it further enacted, by the authority aforesaid,* That the governor or commander in chief for the time being, if he shall think it convenient or necessary, may order and direct part of the said regiment, not exceeding the number of four hundred men, to continue in conjunction with his majesty's forces, and be employed in such manner as the commander in chief of his majesty's forces shall appoint and direct; and that the remaining part of the said regiment shall be stationed in such manner, for the defence and protection of the inhabitants on the frontiers of this colony, or employed in such offensive or defensive operations, as the governor or commander in chief of the colony for the time being shall think fit to order and direct: And if by any authority whatsoever they shall be detained or prevented from proceeding to such places, and upon such services as the governor or commander in chief shall direct, after the said first day of December next, their pay and subsistence hereby given shall cease, and they shall

The remain-  
der to pro-  
tect the fron-  
tiers.

not be deemed or taken to be in the service or pay of this colony, any thing in this act to the contrary notwithstanding.

III. And whereas it will be impossible for that part of the said regiment, directed by this act to be stationed for the protection and defence of the inhabitants on the frontiers, to march to the several posts appointed for them before the said first day of December, and the frontiers will be left entirely defenceless, should the three companies now stationed on the frontiers be disbanded on the said first day of December: *Be it therefore enacted, by the authority aforesaid,* That the said three companies shall be continued in the pay of this colony to the first day of February next, and no longer.

The three companies continued till the first day of February.

IV. *Provided always, and be it enacted, by the authority aforesaid,* That if that part of the said regiment, so to be stationed as aforesaid, shall arrive at the several posts for them appointed by the governor or commander in chief for the time being, before the said first day of February, that the said three companies shall thereupon be immediately disbanded, and shall not be deemed or taken to be any longer in the service of this colony, and their pay and subsistence shall from thenceforth cease, any thing in this act to the contrary, or seeming to the contrary, notwithstanding.

Unless that part of the regiment arrives at the posts directed by the governor.

V. And for raising the money hereby given and granted, *Be it further enacted, by the authority aforesaid,* That a duty of two shillings for every hogshead of tobacco delivered out from the several warehouses in this colony, between the twentieth day of October, one thousand seven hundred and sixty-seven, and the twentieth day of October, one thousand seven hundred and sixty-nine, shall be paid by the owner or proprietor thereof, which said duty the several inspectors at the said warehouses shall, and they are hereby empowered and required to collect and receive, without fee or reward, of and from the said owners and proprietors, before they deliver such tobacco out of their respective warehouses; and shall be by them accounted for, upon oath, and paid to the said treasurer, or the treasurer of this colony for the time being, appointed as aforesaid, and shall be accounted for by the said treasurer to the general assembly, after deducting two and an half per centum for his salary in receiving and paying the same.

Duty on tobacco.



Treasurer  
may borrow  
£. 10,000.

VI. And whereas the duty aforesaid cannot be collected in time to answer the purposes hereby intended, *Be it further enacted, by the authority aforesaid, That the said treasurer, or the treasurer of this colony for the time being, appointed as aforesaid, shall, and he is hereby empowered and required to borrow a sum of money, not exceeding ten thousand pounds, at an interest of five per centum, to be applied in the same manner, and to and for the same uses, intents, and purposes as is herein before directed. And if it shall so happen that the said money cannot be borrowed in time to answer the purposes hereby intended, then it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to issue and emit five thousand pounds of the treasury notes directed to be issued by two acts, one made in the twenty-ninth year of his present majesty's reign, intituled, An Act for continuing and amending an act, intituled, An Act for the relief of the proprietors of the tobacco burned at Bolling's-Point warehouse, in the county of Dinwiddie; and for the relief of the proprietors of tobacco burned at Coan and Deep-Creek warehouses: The other act made in the thirtieth year of his said majesty's reign, intituled, An Act for granting an aid to his majesty, for the better protection of this colony, and for other purposes therein mentioned; and which notes have not yet been applied according to the directions of the said acts; and shall be by the said treasurer paid and applied in part of the said sum of ten thousand pounds granted by this act, and to and for the same uses and purposes. And if the said money shall not by these means be compleated, and there shall be any deficiency after paying away, as well the money to be borrowed by virtue of this act, as the said five thousand pounds of the old treasury notes above mentioned, then it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to issue or emit other treasury notes sufficient to make up the said sum of ten thousand pounds; which notes shall be prepared in the manner herein after directed.*

If money  
cannot be  
borrowed,  
the treasurer  
to emit treasury notes.

Relating to  
the money  
granted by  
the parliament.

VII. And whereas the parliament of Great-Britain have granted the sum of fifty thousand pounds sterling to his majesty, to be divided amongst the southern colonies of North-America; and it hath been represented to this assembly that his majesty has been

graciously pleased to allot the sum of thirty thousand pounds for the use of this colony, towards reimbursing the inhabitants thereof the great sums of money they have hitherto expended in the defence of his just rights and possessions: Therefore for encouraging persons to lend money on this occasion, *Be it further enacted, by the authority aforesaid.* That the said treasurer, or the treasurer of this colony for the time being, appointed as aforesaid, shall, and he is hereby impowered to receive the said thirty thousand pounds, or any part thereof, of the person or persons by his majesty directed to receive and pay the same: And thereout shall, in the first place, repay the money so to be borrowed, with interest, on the first day of May next; and shall also, out of the said money, replace the above mentioned sum of five thousand pounds of the old treasury notes he is hereby directed to issue, in case he shall not be able to borrow the money granted by this act; and the balance that shall then remain in his hands, of the said thirty thousand pounds, shall be applied to the redemption of all such other treasury notes as he may find it necessary to issue, to answer the demands that shall be made upon him for the purposes of this act, and to such other publick uses as by the general assembly shall be, from time to time, directed and appointed.

VIII. But forasmuch as divers unforeseen accidents may prevent the money granted by parliament, as aforesaid, from being received into this colony, whereby the re-payment of the money so to be borrowed may be delayed, and the intent of this act defeated: Therefore, as a further security to persons who shall be disposed to lend money as aforesaid, *Be it further enacted, by the authority aforesaid.* That in case the said money shall not be received by the said treasurer, on or before the said first day of May next, it shall and may be lawful for the said treasurer, or the treasurer of this colony for the time being, appointed as aforesaid, to issue or emit such a number of treasury notes as shall be sufficient, as well to repay the money he shall borrow by virtue of this act, with interest as aforesaid, as to restore to the proper funds such part of the said five thousand pounds as he shall issue out of the treasury notes now remaining in his hands, emitted in pursuance of the acts of assembly above mentioned; which notes, together with such others as

Treasury  
notes.



the said treasurer shall emit by virtue of this act, shall be prepared, printed, or engraved, and numbered in such form, and after such method, as he shall judge most convenient for their circulating in payments and being safe from counterfeits and forgeries; and shall be signed by Peyton Randolph and Robert Carter Nicholas, esquires, who shall deliver them, when signed, to the treasurer for the time being, appointed as aforesaid, and take his receipt for the same: And each signer shall receive of the said treasurer twenty shillings for every thousand of the said notes by them respectively signed and delivered as aforesaid; and the said treasurer shall be allowed half per centum for all the said notes by him paid away as his salary for paying the same.

Their redemption.

IX. *And be it further enacted*, That all notes to be issued in pursuance of this act shall be redeemable on the twentieth day of October, one thousand seven hundred and sixty-nine, and shall then be paid by the treasurer for the time being: And further, that all such notes shall be received and pass as a lawful tender in payment of any debt duty or demand whatsoever (except for the payment of his majesty's quit-rents) from the time of issuing such notes till the time before limited for their redemption at the treasury aforesaid.

Tender.

Counterfeiting them.

X. *And be it further enacted, by the authority aforesaid*, That if any person or persons shall forge or counterfeit, alter or erase, any such treasury note, or demand a redemption thereof at the treasury, knowing the same to be forged or counterfeited, altered or erased; or if any person or persons shall, during the time the said notes shall remain current within this colony as aforesaid, offer to sell or expose to sale any goods or chattels, lands or tenements whatsoever, or shall deny or refuse to sell the same, or demand a greater price, unless he be paid for the same in gold or silver coin, and not in the said notes: Or if any person or persons shall exchange gold or silver coin for the said notes and demand or take any allowance for the difference of the value thereof, or shall offer to buy or sell bills of exchange at a greater or higher difference of exchange for the said treasury notes than for gold or silver coin, or shall use any other device, means, or method whatsoever, whereby the credit of the said notes may be impaired, every person so offending shall suffer and pay the pains, penalties, and forfeitures, in-

Or depreciating their value.

inflicted for the like offences, respectively, by the before mentioned act of assembly, intituled, An Act for granting an aid to his majesty, for the better protection of this colony, and for other purposes therein mentioned, to be inflicted, recovered, and appropriated, as in the said act is directed.

XI. *And be it further enacted*, That the money to be raised by the duty imposed by this act shall stand, be, and remain as a security for the redemption of the treasury notes so to be issued; and the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands, arising on the duty aforesaid, for and towards the redemption of the said treasury notes, and to no other use, intent, or purpose whatsoever.

The security  
for their re-  
demption.

XII. *And be it further enacted, by the authority aforesaid*, That in case the treasurer of this colony for the time being, appointed as aforesaid, shall receive the said thirty thousand pounds for the use of this colony into the publick treasury, on or before the said first day of May next, so much of this act as relates to the laying and imposing, collecting and paying, the said duty on tobacco; and the power hereby given to the said treasurer to issue and emit treasury notes for the several uses and purposes above mentioned shall cease and become void to all intents and purposes, as if this act had never been made.

Where the  
treasurer re-  
ceives the  
money gran-  
ted by par-  
liament.

XIII. *And be it further enacted, by the authority aforesaid*, That John Robinson, esquire, treasurer of this colony, shall give such further security as shall be approved by the governor or commander in chief of this colony in the sum of forty thousand pounds, for the due answering and paying all the money by him received from time to time, and for the due and faithful performance of his said office; and in case of his death, resignation, or disability, the treasurer to be appointed in his stead shall in like manner give such further security before he enters into his said office.

Treasurer to  
give further  
security.



## CHAP. II.

*An Act to oblige the persons bringing slaves into this colony from Maryland, Carolina, and the West-Indies, for their own use, to pay a duty.*

Preamble.

I. WHEREAS great numbers of negro and other slaves, imported to the provinces of Maryland, North-Carolina, and other places in America, have been there bought by the inhabitants of this colony, and from thence transported hither, whereby not only the payment of the duties on slaves has been evaded, but the duties imposed by the laws of those countries have been born by our people; for prevention whereof, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the passing of this act, there shall be paid to our sovereign lord the king, his heirs and successors, for all slaves imported or brought into this colony and dominion from Maryland, North-Carolina, or any other place in America, by the owner or importer thereof, after the rate of twenty per centum on the amount of each respective purchase, really and bona fide made, by such owner or importer, in such province or other place in America; to be applied towards discharging the publick debts of this colony, and to such other publick uses as the general assembly shall from time to time direct.

The duty.

How to be collected.

II. And to the end that the said duty may be faithfully collected and accounted for, *Be it further enacted, by the authority aforesaid,* That the owner or importer of such slaves shall, within twenty days after such importation, deliver, or cause to be delivered, on oath, to the clerk of the court of the county in which he or she shall reside (which oath such clerk is hereby empowered to administer) a true list or manifest of all slaves by him or her so imported, distinguishing their sexes, with a true account of the prices by him or her given for the same in such province or other place in America; and on failure thereof, every such owner or importer shall forfeit and pay the sum of fifty pounds

for every slave so imported and omitted in such list, or of whose price a true account was not given. And every clerk to whom such list shall be delivered, as aforesaid, shall, within forty days after his receiving such list, deliver a copy of the same to the sheriff of his county, and also transmit another copy thereof to the treasurer of this colony: And every such sheriff, upon the receipt of such list, is hereby impowered and required to demand and collect of such owner or importer the duty herein before laid, according to such list; and in case of non-payment to levy the same by distress, in like manner as he is by law directed to distrain for levies and other publick debts; and every such sheriff shall account for and pay the duties by him received, according to such list, to the treasurer of this colony, appointed by or pursuant to an act of assembly, on or before the twenty-fifth day of April yearly, deducting after the rate of six per centum for his trouble in collecting and paying the same. And if any sheriff shall fail to collect, account for, and pay such duties, after the deduction aforesaid, and an allowance for persons not dwelling nor having any effects in his county, it shall and may be lawful for the said treasurer to demand judgment against the said sheriff in the general court, or court of the county in which such sheriff shall reside, for all the money due on such list, which judgment the said court is hereby impowered and required to give, on the motion of the said treasurer, provided ten days previous notice of such motion be given to such sheriff.

III. *And be it further enacted, by the authority aforesaid,* That every county court clerk, failing to transmit such copies of every list, delivered to him as aforesaid, to the treasurer and sheriff, according to the directions of this act, shall forfeit and pay the sum of one hundred pounds for every such failure. Penalty on clerks.

IV. *Provided always,* That every owner or importer of slaves, as aforesaid, shall be entitled to the same advantages on payment of the said duty in imported gold or silver as is allowed, and according to the terms prescribed by law to the purchasers of slaves; and that no importer of slaves for his own use shall be liable to the payment of any duty by virtue of this act for any slave that shall die within forty days after his or her importation, on due proof of such death, according to the laws now in force imposing a duty on the purchasers of slaves. Where duty paid in imported gold or silver.



How the penalty to be recovered and appropriated.

V. *And be it further enacted, by the authority aforesaid,* That the several penalties and forfeitures arising by virtue of this act, shall and may be recovered with costs, by action of debt or information, in any court of record within this colony; one moiety whereof shall be to our sovereign lord the king, his heirs and successors, to be applied to the same uses as the duty hereby imposed is appointed, and the other moiety to him or them that will inform or sue for the same; and the grand juries in the general court and county courts in this colony, respectively, are hereby also empowered and required to present all offences against this act to the court.

Exemptions.

VI. *Provided also,* That nothing in this act contained shall extend, or be construed to extend to any traveller who shall bring with him into this colony such slaves as shall be necessary to attend him in his journey, and shall not sell, barter, or exchange the same in this colony; nor to any person or persons who shall actually remove with their families and estates to reside in this colony.

Continuance

VII. *And be it further enacted,* That this act shall continue and be in force, from the passing thereof, until the twentieth day of April, one thousand seven hundred and sixty-seven, and no longer.

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### CHAP. III.

#### *An Act for altering the court day of the county of Augusta.*

Court day of Augusta county altered.

I. WHEREAS the court day for the county of Augusta, as the same is now settled, is found to be very inconvenient, as well to the inhabitants of the said county, as to others who are obliged to attend business at that court: Therefore, for rendering the same more convenient, *Be it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the first day of Janua-

ry next, the court of the said county of Augusta shall be constantly held on the third Tuesday in every month, any law, custom, or usage to the contrary notwithstanding.

#### CHAP. IV.

*An Act to empower the vestry of the parish of Dale, in the county of Chesterfield, to sell the glebe land of the said parish; and for other purposes therein mentioned.*

I. WHEREAS it has been represented to this general assembly, that the glebe land in the parish of Dale, in the county of Chesterfield, is very barren, and the houses thereon much out of repair; but from the convenient situation of the said land, being adjacent to a publick warehouse where a great trade is carried on, it will sell for a sufficient sum of money to purchase a good tract of land for a glebe, and building all necessary houses thereon: And as the minister and vestry of the said parish are desirous to sell the same, *Be it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same.* That the vestry of the said parish be, and they are hereby empowered to sell and dispose of the said glebe in such manner as shall seem to them most for the benefit of the said parish, and to execute a deed or deeds for the same to the purchaser or purchasers thereof; which deed or deeds shall be good and available in law from them and their successors to pass the fee-simple estate of the said land: And with the money arising by such sale they are hereby empowered and directed to purchase other convenient lands for a glebe for the said parish, and the residue of the money, if any there be, shall be applied to the building such houses, and making such other improvements thereon as are required by law.

Vestry of Dale parish in Chesterfield county authorised to sell their glebe land.



## CHAP. V.

*An Act for paying the Burgesses wages. for this present session of assembly, in money.*

Burgesses  
wages paya-  
ble in mo-  
ney.

I. WHEREAS by one act of assembly, made in the third and fourth years of the reign of his present majesty, intituled, An Act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, that when any session of assembly should be thereafter held, and upon examination of the treasurer's accounts, it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the burgesses wages and the salaries and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the said payment, a balance of one thousand five hundred pounds at the least, then every burgess elected and serving for any county or corporation within this dominion should be paid out of the publick money the sum of ten shillings for each day he shall serve in the house of burgesses, with such further allowances, and under such restrictions and regulations as in the said act is at large directed.

II. And whereas, upon examination of the treasurer's accounts, it appears that there is not money sufficient in his hands to pay the burgesses wages for the last and present session of assembly, leaving in the hands of the treasurer a balance of one thousand five hundred pounds, according to the directions of the said act: Nevertheless, as the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll. *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same.* That the burgesses wages for this present session of assembly shall be paid by the treasurer, out of the public money in his hands, on or before the twenty-fifth day of April, one thousand seven hundred and sixty, according to

the directions and regulations in the said recited act mentioned, any thing in the said act to the contrary thereof in any wise notwithstanding.

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CHAP. VI.

*An Act to dock the intail of certain lands, therein mentioned, and to vest the same in Lewis Burwell, esquire, in fee-simple; and for settling other lands, of greater value, in lieu thereof, to the same uses.*

I. WHEREAS Edwin Thacker, late of the county of Middlesex, gentleman, deceased, was, in his life time, seized in fee-tail of and in a certain tract or parcel of land, containing about three thousand one hundred acres, situate, lying, and being in the parish of Christ-Church, in the said county of Middlesex; and being so seized departed this life, some time in the year of our Lord one thousand seven hundred and forty-five, intestate, leaving Elizabeth his widow and four daughters, to wit, Frances, Elizabeth, Anne, and Sarah, amongst whom partition and division was afterwards made of the said lands, by virtue whereof the said Frances, since intermarried with and now the wife of Lewis Burwell, of the county of James-City, esquire, is seized in fee-tail of and in five hundred and twenty-two acres, being her equal part and dividend of the said lands.

Intail of certain lands docked, and vested in Lewis Burwell, in fee-simple.

II. And whereas the said Lewis Burwell is and stands seized in fee-simple of and in eighteen hundred acres of land, situate, lying, and being in the parish of Newport, in the county of Isle of Wight, & adjoining to eighteen hundred acres of land whereof he is seized in fee-tail, in the said parish of Newport, and county of Isle of Wight; and it will be greatly to the advantage of the said Lewis Burwell, and Frances his wife, and their posterity, to dock the intail of the said five hundred and twenty-two acres of land, in the parish of Christ-Church, and county of Middlesex aforesaid, and to settle eight hundred acres, part of the said



eighteen hundred whereof the said Lewis Burwell is seized in fee-simple as aforesaid, lying next to the said eighteen hundred acres of land whereof he is seized in fee-tail, being of greater value, to the same uses.

III. And forasmuch as notice hath been published, three Sundays successively, in the several churches in the said parish of Christ-Church, that application would be made to this general assembly to dock the intail of the said five hundred and twenty two acres of land, and to settle other lands, of greater value, to the same uses, pursuant to your majesty's instructions.

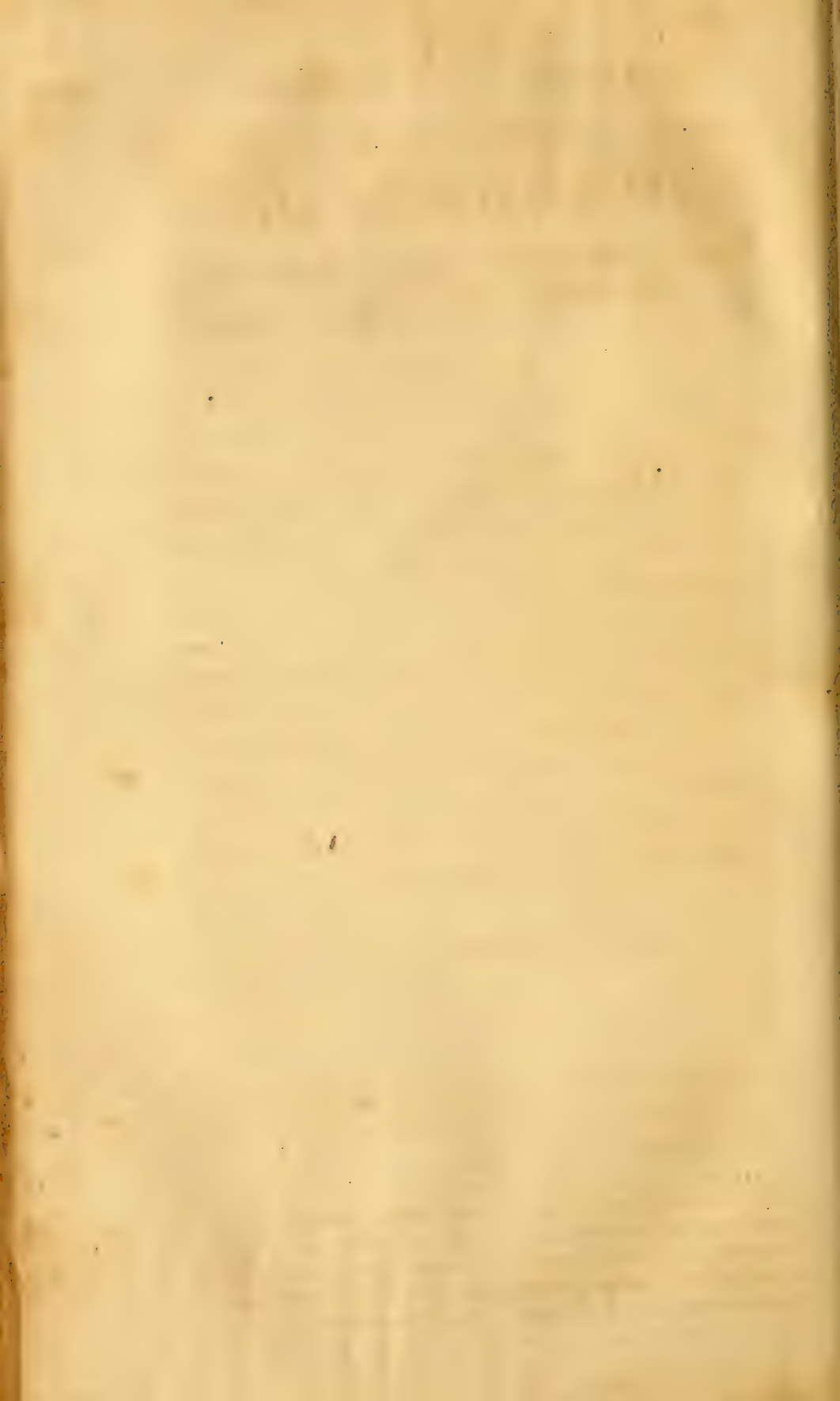
IV. May it therefore please your most excellent majesty, at the humble suit of the said Lewis Burwell and Frances his wife, that it may be enacted; and *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That the said tract or parcel of land, with the appurtenances, containing five hundred and twenty-two acres, lying and being in the parish of Christ-Church, in the county of Middlesex, whereof the said Frances, the wife of the said Lewis Burwell, is seized in fee tail, as aforesaid, be, and the same is hereby vested in the said Lewis Burwell, his heirs and assigns, to the only proper use and behoof of the said Lewis Burwell, his heirs and assigns, for ever; and that the said eight hundred acres of land, lying next to the said eighteen hundred acres whereof the said Lewis Burwell is seized in fee-tail, with the appurtenances, situate, lying, and being in the said parish of Newport, in the county of Isle of Wight, be, and the same are hereby vested in the said Lewis Burwell, and Frances his wife, and the heirs of the body of the said Frances, lawfully begotten; and on failure of such heirs, the same shall remain and descend to such person and persons, in the same manner, and under the same limitations and remainders, successively, as the said lands in the parish of Christ Church, in the county of Middlesex, would have remained and descended if this act had never been made.

V. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successors, other than the persons claiming in reversion or remainder, after the

death of the said Frances Burwell, without issue of her body lawfully begotten, all such right, title, interest, claim and demand, as they, every, or any of them, should or might claim if this act had never been made.

VI. *Provided always.* That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.





ANNO REGNI

## GEORGI II.

Regis Magnæ, Britanniae, Franciæ, et  
Hiberniæ, tricesimo tertio.

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*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the fourteenth day of September, in the thirty-second year of the reign of our sovereign lord George II. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1758; and from thence continued by several prorogations to Tuesday the fourth of March, in the year of our Lord 1760; and then held at the Capitol, in Williamsburg; being the fifth session of this assembly.*

Francis Fauquier, esq.  
governor.

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### CHAP. I.

*An Act for granting the sum of twenty thousand pounds, for the further security and protection of this colony.*

I. WHEREAS it is necessary for his majesty's service, and the further security and protection of the frontiers of this colony, that the regiment now in the service of this colony should be further retained from the first day of May next, to which time they now

Regiment  
further con-  
tinued in  
service.



stand provided for: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That so much money as shall be necessary for the subsistence and pay of the said regiment, from the said first day of May to the first day of November following, shall be paid by John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by, or pursuant to, an act of assembly, out of the publick money that shall come to his hands, by virtue of this act, to such person or persons, as shall be directed by warrant from the governor or commander in chief of this colony for the time being: *Provided always,* that three hundred men, part of the said regiment, shall be stationed in such manner for the defence and protection of the inhabitants on the south western frontiers of this colony, as the governor, or commander in chief of this dominion for the time being, shall think fit to order and direct; and the governor, or commander in chief for the time being, may order and direct the remaining part of the said regiment to continue in conjunction with his majesty's forces, and be employed in such manner as the commander in chief of his majesty's forces shall appoint and direct; and if, by any authority whatsoever, they shall be detained or prevented from proceeding to such places, and upon such services, as the governor or commander in chief shall direct, after the said first day of November next, their pay and subsistence hereby given shall cease, and they shall not be deemed or taken to be in the service or pay of this colony, any thing in this act to the contrary notwithstanding.

300 men for  
protection  
of frontiers.

II. And whereas it may be found expedient to have a small body of forces still on foot, after the said first day of November next, to protect and defend the inhabitants on the frontiers of this colony from any insults that may be offered to them by the neighbouring Indians, and to keep such Indians in awe; *Be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the governor, or commander in chief of this colony for the time being, and he is hereby impowered and desired, if he shall think it necessary, to continue the said three hundred men, with their officers, in the service of this colony, from the said first day of November to the first day of April thereafter; and to employ them in such offensive or

defensive operations as he shall think fit to order and direct: And for the subsistence and pay of the said three hundred men, with their officers, from the said first day of November to the said first day of April following, so much money as shall be necessary shall in like manner be paid by the said treasurer, or the treasurer for the time being, appointed as aforesaid, out of the publick money that shall come to his hands by virtue of this act; so as the whole sum, so to be paid for the several services above mentioned, do not exceed the sum of twenty thousand pounds.

III. And whereas it will be very troublesome to the governor, or commander in chief, to examine and settle the accounts of the several charges and expences of the said forces, *Be it therefore enacted, by the authority aforesaid,* That William Prentis, Thomas Everard and James Cocke, gentlemen, shall be, and they are hereby appointed commissioners to examine, state and settle, such accounts relating to the expences of the said forces as shall from time to time be referred to them by the governor, or commander in chief for the time being; and each of the said commissioners shall be allowed, for their trouble therein, the sum of fifty pounds: And for raising the money hereby given and granted, *Be it further enacted, by the authority aforesaid,* That a tax of one shilling and three pence for every hundred acres of land, and after that rate for a greater or lesser quantity, shall be paid by the owner or proprietor thereof, on or before the tenth day of April, one thousand seven hundred and sixty-seven; and the farther tax, or duty of one shilling and three-pence, for every hundred acres of land, and so in proportion for a greater or lesser quantity, shall be paid in like manner, by the owner or proprietor thereof, on or before the tenth day of April, one thousand seven hundred and sixty-eight to the sheriff of the county wherein such land shall lye; and that a tax, or duty of two shillings, shall be paid for every tithable person in this colony to the sheriff of the county where such person shall be enlisted, by the person enlisting such tithable, on or before the said tenth day of April, one thousand seven hundred and sixty-eight, which said taxes or duties shall be paid, collected and accounted for, in such manner and form, according to such rules, and under such penalties and forfeitures, as are mentioned, prescribed and appointed, for the

Commissioners to settle military accounts.

Land-tax.

Poll-tax.



paying, collecting and accounting for, the tax or duty imposed upon lands and tithables, by one act of assembly made in the thirtieth year of the reign of his present majesty, intituled, An Act for granting an aid to his majesty for the better protection of this colony, and for other purposes therein mentioned; and that every article, rule and clause, contained in the said act concerning the paying, collecting and accounting for, the duties thereby imposed, shall be used, exercised and put in practice, for paying, collecting and accounting for, the taxes or duties hereby imposed, as if the like articles, rules and clauses, were inserted in this act.

Treasury  
notes.

IV. And whereas the taxes imposed by this act cannot be collected in time to answer the purposes hereby intended, *Be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury notes to answer the demands that shall be made upon him for the purposes aforesaid, so as the whole sum of such notes so to be issued shall not exceed the sum of twenty thousand pounds; which several notes shall be prepared, printed and engraved, in such form, and after such method, as the said treasurer shall judge will be most safe from counterfeits and forgeries: And eighteen hundred of the said notes shall be of the value or denomination of five pounds, and shall be signed by Peyton Randolph, esquire, and Robert Carter Nicholas gentleman: Eighteen hundred of the said notes of the value or denomination of three pounds, and shall be signed by the said Peyton Randolph and Robert Carter Nicholas; Eighteen hundred of the said notes of the value or denomination of two pounds, and shall be signed by the said Peyton Randolph and Robert Carter Nicholas; Five thousand three hundred and thirty-three of the said notes of the value or denomination of five shillings, and shall be signed by John Randolph, esquire; and five thousand three hundred and thirty-four of the said notes of the value or denomination of two shillings and six-pence, and shall be signed by the said John Randolph.

Denomina-  
tion, and by  
whom sign-  
ed.

Vacancies.  
how suppli-  
ed.

V. *And be it further enacted, by the authority aforesaid,* That in case of the death or absence of any of them, the said Peyton Randolph, Robert Carter Nicholas or John Randolph, before all the treasury notes

shall be signed, which are hereby required to be signed by such person, in that case it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to appoint some other person to sign such notes in the room of him so dead or absent, which signing shall be as effectual to all intents and purposes as if such notes were signed by the persons herein named; and publick notice of such alteration shall be given by the treasurer in the Virginia Gazette, for three weeks after such alteration shall take place.

VI. *And be it further enacted*, That George Davenport and Peter Pelham, gentlemen, shall, and they are hereby appointed, to overlook the press, during the time of printing the notes to be issued pursuant to this act; who shall use their best care, attention and diligence, that the number and amount of the said notes, according to their respective denominations aforesaid, be not exceeded, nor any fraudulent practice used by the printer, his servants, or any person concerned therein; and shall number and deliver such notes, when printed, to the persons appointed to sign the same respectively, taking his or their receipt for the same, from time to time: And that each of them shall have, for their trouble therein, the sum of twenty pounds, to be paid them by the treasurer for the time being. And the persons so appointed to sign the said notes, shall deliver them, when signed, to the treasurer for the time being appointed as aforesaid, and take his receipt for the same; and every signer shall receive, of the said treasurer, twenty shillings for every thousand of the said notes by them respectively signed, and delivered as aforesaid; and the said treasurer shall be allowed half per centum upon all the said notes by him paid away, as his salary for paying the same.

Superintendents of the press.

VII. *And be it further enacted*, That all notes to be issued in pursuance of this act, shall be redeemable on the tenth day of October, one thousand seven hundred and sixty-eight, and shall then be paid by the treasurer for the time being; and further, that all such notes shall be received, and pass as a lawful tender, in payment of any debt, duty or demand, whatsoever (except for the payment of his majesty's quit-rents) from the time of issuing such notes, until the time before specified for the redemption thereof at the treasury as

Notes, when redeemable.

Tender



Penalty for  
counterfeit-  
ing;

Or deprecia-  
ting their  
value.

aforesaid: And if any person or persons shall forge or counterfeit, alter or craze any such treasury notes, or demand a redemption thereof at the treasury, knowing the same to be forged or counterfeited, altered or crazed; or if any person or persons shall, during the time the said notes shall remain current within this colony as aforesaid, offer to sell, or expose to sale, any goods or chattels, lands or tenements, whatsoever, or shall deny or refuse to sell the same, or demand a greater price unless he be paid for the same in gold or silver coin, and not in the said notes, or if any person or persons shall exchange gold or silver coin for the said notes, and demand or take any allowance for the difference of the value thereof, or shall offer to buy, or sell, bills of exchange at a greater or higher difference of exchange for the said treasury notes than for gold or silver coin; or shall use any other device, means or method, whatsoever, whereby the credit of the said notes may be impaired, every person so offending shall suffer and pay the pains, penalties and forfeitures, inflicted for the like offences respectively by the before mentioned act of assembly, intituled, *An Act for granting an aid to his majesty, for the better protection of this colony, and for other purposes therein mentioned, to be inflicted, recovered and appropriated, as in the said act is directed.*

Fund for re-  
demption of  
notes.

VIII. *And be it further enacted,* That the money to be raised by the duties and taxes imposed by this act shall stand, be and remain, as a security for the redemption of the treasury notes so to be issued; and the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands arising on the duties and taxes aforesaid, for and towards the redemption of the said treasury notes, and to no other use, intent or purpose, whatsoever.

Additional  
security to  
be given by  
treasurer.

IX. *And be it further enacted, by the authority aforesaid,* That the said John Robinson, esquire, treasurer of this colony, shall give such further security as shall be approved by the governor or commander in chief of this colony, in the sum of twenty thousand pounds for the due answering and paying all the money by him received from time to time, and for the due and faithful performance of his said office; and in case of his death, resignation, or disability, the treasurer to

be appointed in his stead shall in like manner give such further security, before he enters into his said office.

X. And whereas it is of the greatest importance to preserve the credit of the paper currency of this colony, and nothing can contribute more to that end than a due care to satisfy the publick that the paper bills of credit, or treasury-notes, are properly sunk, according to the true intent and meaning of the several acts of assembly passed for emitting the same; and the establishing a regular method for this purpose may prevent difficulties and confusion in settling the publick accounts, in case of a loss of the said bills or notes by any unforeseen casualty, after they are paid into the treasury, *Be it therefore enacted, by the authority aforesaid,* That Peyton Randolph, esquire, Robert Carter Nicholas, Benjamin Waller, Lewis Burwell and George Wythe, gentleman, or any three of them, be, and they are hereby appointed a committee, to examine at least twice in every year (and oftner, if thereto desired by the treasurer for the time being) all such bills of credit, or treasury-notes, redeemable on the first day of March, one thousand seven hundred and sixty five, as have been or shall be paid into the treasury, in discharge of the duties and taxes imposed by any former act of assembly; and upon receipt of the said bills or notes, the said committee shall give to the treasurer for the time being a certificate of the amount thereof, which shall avail the said treasurer in the settlements of his accounts as effectually, to all intents and purposes, as if he produced the said bills or notes themselves: And the said committee are hereby required and directed, so soon as they have given such certificate, to cause all such bills or notes to be burnt and destroyed.

Treasury  
notes re-  
deemed to  
be destroy-  
ed.



## CHAP. II.

*An Act for directing the trustees of the Indian Factory of Virginia, to sell the goods imported by them, and to pay the money arising by such sale into the treasury, for the use of the publick.*

Trustees of  
Indian Fac-  
tory of Vir-  
ginia, direct-  
ed to sell the  
goods, im-  
ported to  
trade with  
the Indians,  
their hostili-  
ty prevent-  
ing the intro-  
duction of  
the goods a-  
mong them.

I. WHEREAS by an act of the general assembly made in the thirtieth year of his majesty's reign, intituled, An Act for establishing a trade with the Indians in alliance with his majesty, the sum of five thousand pounds was directed to be paid by the treasurer out of the publick money in his hands to Peter Randolph, William Randolph, Richard Bland, Archibald Cary and Thomas Walker, esquires, who were constituted and appointed trustees for carrying on and conducting a trade with the said Indians; and whereas the said trustees, in pursuance of the powers given them by the said act, have imported from Great-Britain a considerable cargo of goods, which they were sending out in order to trade with the Cherokee Indians, but by means of the many acts of hostility lately committed by the said Indians against his majesty's subjects, are detained at the town of Salisbury, in the province of South Carolina, where they remain unsold, whereby the publick is likely to sustain great loss: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said trustees shall be, and they are hereby impowered and required to sell and dispose of all the goods so as aforesaid imported by them, together with the horses, pack-saddles, and all and every other article which they may have provided for carrying on the said trade, to any person or persons whatsoever who shall be willing to purchase the same, in such manner, and upon such terms, and at such a reasonable credit, as to the said trustees shall seem most to the advantage and benefit of the publick; and the said trustees, upon receipt of the money arising upon such sale, shall make up, state and settle, an account of their trust, according to the directions of the said*

act, and shall pay the balance remaining in their hands upon such account to the treasurer of this colony, for the use of the publick, any thing in the before-recited act to the contrary thereof in any wise notwithstanding.

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### CHAP. III.

*An Act for paying the Burgesses wages in money, for this present session of assembly.*

I. WHEREAS by one act of assembly, made in the third and fourth years of the reign of his present majesty, intituled, An Act for the better regulating the payment of the Burgesses wages, it is among other things enacted, that when any session of assembly should be thereafter held, and upon examination of the treasurer's account it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the burgesses wages, and the salaries and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the said payment, a balance of one thousand five hundred pounds at the least, then every burgess elected and serving for a county or corporation within this dominion should be paid out of the public money the sum of ten shillings for each day he should serve in the house of Burgesses, with such farther allowances, and under such restrictions and regulations as in the said act is at large directed.

Burgesses  
wages pay-  
able in mo-  
ney.

II. And whereas upon examination of the treasurer's accounts, it appears that there is not money sufficient in his hands to pay the burgesses wages for this present session of assembly, leaving in the hands of the treasurer a balance of one thousand five hundred pounds according to the directions of the said act: Nevertheless, as the payment of the said wages in money, will be a great ease to the poorer sort of people, by lessening the levy by the poll, *Be it therefore*



*enacted, by the Lieutenant Governour, Council, and Bur-  
gesses, of this present General Assembly, and it is hereby  
enacted, by the authority of the same, That the burges-  
ses wages for this present session of assembly shall  
be paid by the treasurer, out of the publick money in  
his hands, on the twentieth day of October next, ac-  
cording to the directions and regulations in the said  
recited act mentioned, any thing in the said act to the  
contrary thereof in any wise notwithstanding.*

ANNO REGNI

## GEORGI II,

Regis Magnæ Britanniae, Franciæ, et  
Hiberniæ, tricesimo tertio.

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*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the fourteenth day of September, in the thirty-second year of the reign of our sovereign lord George II. by the grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the year of our Lord, 1758; and from thence continued by several prorogations to Monday the nineteenth of May, in the year of our Lord, 1760; and then held at the Capitol in Williamsburg; being the sixth session of this assembly.*

Francis Fauquier, esq.  
governor.

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### CHAP. I.

*An Act for raising the sum of thirty-two thousand pounds, for the relief of the garrison of Fort Loudoun in the Cherokee country.*

I. WHEREAS a large body of the Cherokee Indians have in an hostile manner invested Fort Loudoun, formerly erected in their country, and at their request; the garrison whereof, unless timely relieved,

Preamble.



will inevitably fall a sacrifice to their treacherous and most inhuman barbarities; and it is therefore necessary that part of the regiment, now in the service of this colony, with an addition of new levies, should be immediately dispatched to their aid and assistance; *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That* it shall and may be lawful to and for the governour, or commander in chief of this colony, for the time being, and he is hereby impowered and desired, to cause a number of men, not exceeding seven hundred, besides their officers, to be immediately levied and enlisted, for the service aforesaid; and to march them, when raised, or order them to be sent, in conjunction with three hundred men, part of the Virginia regiment, with their officers, by a late act of assembly directed to be stationed on the south-western frontiers of this colony, into the Cherokee country, for the immediate relief of the afore-mentioned garrison; and after that shall be effected, upon such other services, either for annoying the enemy, or defending his majesty's subjects on the frontiers of this colony, as to him shall seem most expedient, *Provided*, the said forces be not continued in the service of this colony for any longer time than the first day of December next.

**Number of men to be raised.** II. And for the more speedy raising the said additional forces, *Be it farther enacted, by the authority aforesaid, That* it shall and may be lawful to and for the officers appointed for that purpose by the governour, or commander in chief, to enlist so many men as shall be willing to enter into the said service, not exceeding seven hundred; and every person so enlisting shall receive from the officer enlisting him the sum of ten pounds, and every such officer shall be allowed, over and above the reward so to be paid by him, all his necessary expences in the enlisting such persons and conveying them to the place of general rendezvous.

**Enlisting money.** III. *And be it farther enacted, by the authority aforesaid, That* so much money as shall be necessary for defraying the charges of raising, paying, victualling, and other expences of the officers and men to be raised by virtue of this act, and for the purchasing and transporting a sufficient quantity of provisions and ammunition for the support of the garrison at Fort

**The sum to be raised.**

Loudoun, for twelve months, shall be paid by John Robinson, esquire, treasurer, or the treasurer of this colony for the time being, appointed by or pursuant to an act of assembly, out of the publick money that shall come to his hands, by virtue of this act, to such person or persons as shall be directed by warrant from the governour, or commander in chief of this colony for the time being, so that the sum so to be raised do not exceed in the whole the sum of thirty-two thousand pounds, to be accounted for to the general assembly.

IV. And whereas it will be very troublesome to the governour, or commander in chief of this colony, to examine and settle the accounts of the several charges and expences of the said forces, *Be it therefore enacted, by the authority aforesaid,* That William Prentis, Thomas Everard and James Cocke, gentlemen, shall be, and they are hereby appointed commissioners to examine, state and settle, such accounts relating to the expence of the said forces as shall from time to time be referred to them by the governour, or commander in chief for the time being; and each of the said commissioners shall be allowed, for their trouble therein, the sum of fifty pounds: And for raising the money hereby given and granted, *Be it farther enacted, by the authority aforesaid,* That an additional tax of nine-pence for every hundred acres of land, and after that rate for a greater or lesser quantity, shall be paid by the owner or proprietor thereof, on or before the tenth day of April, in each of the years one thousand seven hundred and sixty seven, and one thousand seven hundred and sixty-eight; and that the farther additional tax of one shilling and three-pence, for every hundred acres of land, and after that rate for a greater or lesser quantity, shall be paid by the owner or proprietor thereof, on or before the tenth day of April, one thousand seven hundred and sixty-nine; and that an additional tax, or duty of two shillings, shall be paid for every tithable person in this colony to the sheriff of the county where such person shall be enlisted, by the person enlisting the same, on or before the said tenth day of April, one thousand seven hundred and sixty-eight; and the farther additional tax, or duty of three shillings, for every such tithable person, shall be paid, in like manner, on or before the tenth day of April, one thousand seven hundred and sixty-nine; which said

Commissioners.

Taxes.

Land-tax.

Poll-tax.



additional duties shall be paid, collected and accounted for, in such manner and form, according to such rules, and under such penalties and forfeitures, as are mentioned, prescribed and appointed, for the paying, collecting and accounting for, the taxes or duties imposed upon lands and tithables, by the several acts of assembly of this colony, heretofore made, and now in force, for that purpose; and that every article, rule and clause, in the said acts, concerning the paying, collecting and accounting for, the said former duties, shall be used, exercised and put in practice, for the paying, collecting and accounting for, the said duties hereby imposed, as if the same articles, rules and clauses, were inserted in this act.

Treasury  
notes to be  
emitted.

V. And whereas, by reason of the great scarcity of gold and silver in this colony, the taxes imposed by this act cannot be collected in time to answer the purposes hereby intended, *Be it farther enacted, by the authority aforesaid,* That it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury-notes to answer the demands that shall be made upon him for the purposes aforesaid, so as the whole sum of such notes so to be issued shall not exceed the sum of thirty-two thousand pounds; which notes, so to be issued, shall be prepared, printed and engraved, in such form, and after such method, as the said treasurer shall judge most safe from counterfeits and forgeries: And seventeen hundred of the said notes shall be of the value or denomination of five pounds, and shall be signed by Peyton Randolph, esquire, and Robert Carter Nicholas gentleman: Seventeen hundred of the said notes of the value or denomination of three pounds, and shall be signed by the said Peyton Randolph and Robert Carter Nicholas; Seventeen hundred of the said notes of the value or denomination of two pounds, and shall be signed by the said Peyton Randolph and Robert Carter Nicholas; Seven thousand of the said notes of the value and denomination of twenty shillings, and shall be signed by Benjamin Waller and Philip Johnson, gentlemen; seven thousand of the said notes of the value and denomination of ten shillings, and shall be signed by the said Benjamin Waller and Philip Johnson; Seven thousand of the said notes of the value or denomination of five shillings, and shall be signed by John Randolph, esquire; Seven thousand of the said

Signers.

notes of the value or denomination of two shillings and six-pence, and shall be signed by the said John Randolph; Sixteen thousand six hundred and sixty-four of the said notes of the value or denomination of one shilling and three-pence, and shall be signed by George Braxton, gentleman; and sixteen thousand six hundred and seventy of the said notes of the value or denomination of one shilling, and shall be signed by the said George Braxton.

VI. *And be it farther enacted*, That in case of the death or absence of any of them, the said Peyton Randolph, Robert Carter Nicholas, Benjamin Waller, Philip Johnson, John Randolph, or George Braxton, before all the treasury notes shall be signed, which are herein required to be signed by such persons, in that case it shall and may be lawful for the said John Robinson, or the treasurer for the time being, appointed as aforesaid, to appoint some other person to sign such notes in the room of him so dead or absent, which signing shall be as effectual to all intents and purposes, as if such notes were signed by the persons herein named; and publick notice of such alteration shall be given by the treasurer in the Virginia Gazette, for three weeks after such alteration shall take place.

In case of  
their death,  
&c.

VII. *And be it farther enacted, by the authority aforesaid*, That George Davenport, Peter Pelham, and James Hubbard, junior, gentlemen, shall, and they are hereby appointed, to overlook the press, during the time of printing the notes to be issued pursuant to this act; who shall use the best of their care, attention and diligence, that the number and amount of the said notes, according to their respective denominations aforesaid, be not exceeded, nor any fraudulent practice used by the printer, his servants, or any person concerned therein; and shall number and deliver such notes, when printed, to the persons appointed to sign the same respectively, taking his or their receipt for the same, from time to time: And that each of them shall have, for their trouble therein, the sum of thirty pounds, to be paid them by the treasurer for the time being. And the persons so appointed to sign the said notes, shall deliver them, when signed, to the treasurer for the time being appointed as aforesaid, and take his receipt for the same; and each signer shall receive, of the said treasurer, twenty shillings for every thousand of the said notes by them respectively

Overlookers  
of the press



signed, and delivered as aforesaid; and the said treasurer shall be allowed half per centum upon all the said notes by him paid away, as his salary for paying the same.

Treasury  
notes made  
current.

VIII. *And be it farther enacted, by the authority aforesaid,* That all notes to be issued in pursuance of this act, shall be redeemable on the twentieth day of October, one thousand seven hundred and sixty-nine, and shall then be paid by the treasurer for the time being, appointed as aforesaid; and farther, that all such notes shall be received, and pass as a lawful tender, in payment of any debt, duty or demand, whatsoever (except for the payment of his majesty's quit-rents) from the time of issuing such notes, until the time before limited for the redemption thereof at the treasury as aforesaid.

Forging  
them, &c.

IX. *And be it farther enacted, by the authority aforesaid,* That if any person or persons shall forge or counterfeit, alter or erase any such treasury notes, or shall tender in payment by the way of barter or otherwise, to any person whatsoever, or shall demand a redemption thereof at the treasury, knowing the same to be forged or counterfeited, altered or erased; or if any person or persons shall, during the time the said notes shall remain current within this colony as aforesaid, offer to sell, or expose to sale, any goods or chattels, lands or tenements, whatsoever, and shall deny or refuse to sell the same, or demand a greater price unless he be paid for the same in gold or silver coin, and not in the said notes; or if any person or persons shall exchange gold or silver coin for the said notes, and demand or take any allowance for the difference of the value thereof, or shall offer to buy, or sell, bills of exchange at a greater or higher difference of exchange for the said treasury notes than for gold or silver coin; or shall use any other device, means or method, whatsoever, whereby the credit of the said notes may be impaired, every person so offending shall suffer and pay the pains, penalties and forfeitures, inflicted for the like offences respectively by an act of assembly made in the thirtieth year of the reign of his present majesty, intituled, An Act for granting an aid to his majesty, for the better protection of this colony, and for other purposes therein mentioned, to be inflicted, recovered and appropriated, as in the said act is directed.

X. *And be it farther enacted*, That the money to be raised by the duties and taxes imposed by this act shall stand, be and remain, as a security for the redemption of the treasury notes so to be issued; and the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands by virtue of this act, for and towards the redemption of the said treasury notes, and to no other use, intent or purpose, whatsoever. Security for their redemption.

XI. And whereas, by an act of the general assembly made in the twenty-eight year of his majesty's reign, intituled, An Act to explain an act, intituled, *An Act for raising the sum of twenty thousand pounds for the protection of his majesty's subjects, against the insults and incroachments of the French, and for other purposes therein mentioned.* an additional duty of ten per centum was imposed upon all slaves imported or brought into this colony and dominion for sale, either by land or water, from any part or place whatsoever, to be paid by the buyer or purchaser, on the amount of each respective purchase, over and above the several duties laid on slaves imported as aforesaid, by any act or acts of assembly then subsisting; which said additional duty of ten per centum hath been found very burthensome to the fair purchaser, a great disadvantage to the settlement and improvement of the lands in this colony, introductive of many frauds, and not to answer the end thereby intended, inasmuch as the same prevents the importation of slaves, and thereby lessens the fund arising from the duties upon slaves. Duty on slaves taken off.

XII. *Be it therefore farther enacted, by the authority aforesaid*, That so much of the said in part recited act of assembly, and every article and clause thereof as relates to the imposing, collecting and paying, the said additional duty on slaves, be, and the same are hereby repealed and made void, to all intents and purposes whatsoever. Repealing clause.



## CHAP. II.

*An Act for reviving and farther continuing the several acts of assembly of this colony, for preventing mutiny and desertion, and for other purposes therein mentioned.*

Acts to prevent mutiny and desertion revised, and continued.

I. WHEREAS an act of assembly was made in the thirtieth year of the reign of his present majesty, intituled, An Act for preventing mutiny and desertion, which was continued by another act made in the following year, intituled, An Act for continuing and amending an act, intituled, An Act for preventing mutiny and desertion, with an additional clause in the said last mentioned act contained, both of which were farther continued by another act made in the thirty-second year of his majesty's reign, intituled, An Act for farther continuing an act, intituled, An Act for preventing mutiny and desertion, and for other purposes therein mentioned, and expired on the fourteenth day of April last; and it is necessary, for preventing mutiny and desertion, and for maintaining an exact discipline amongst the forces in the service of this colony, that as well the said act first above-mentioned, as the additional clause in the next following act mentioned, should be revived and farther continued: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said act of assembly made in the thirtieth year of his majesty's reign, intituled, An Act for preventing mutiny and desertion, together with the said additional clause contained in the said act, made in the following year, shall be, and they are hereby revived and declared to be in full force, and shall continue and be in force from and after the passing of this act, for and during the term of one year, and no longer.*

II. And whereas the officers of the said forces have, for retaining them in their duty, and for preventing mutiny, sedition and desertion, still exercised the same

power and authority over them with which they were invested by the several acts above mentioned, since the expiration of the said acts, by which means they have made themselves liable to the action at law of such of the soldiers under their command as may have suffered martial discipline since that time; therefore, for preventing such disputes, and for protecting the said officers from such actions, *Be it farther enacted, by the authority aforesaid,* That in all actions or suits which already have been, or may hereafter be commenced or prosecuted against the said officers, for or concerning any martial punishment inflicted pursuant to the said act, on the person prosecuting such action or suit, after the expiration of the aforesaid acts of assembly, shall be to all intents and purposes void, and shall be dismissed at the costs of the prosecutor; and farther that it shall be sufficient for the defendant, in any such action or suit, to plead the general issue, and give this act in evidence.

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### CHAP. III.

#### *An Act for paying the Burgesses wages, for this present session of assembly.*

I. WHEREAS by an act of assembly, made in the fourth year of the reign of her late majesty queen Anne, intituled, An Act for regulating the elections of burgesses, for settling their privileges, and ascertaining their allowance, it is amongst other things enacted, that the allowance for burgesses attending the general assembly should be as followeth; that is to say, for every burgess coming by land one hundred and thirty pounds of tobacco and cask a day, besides the necessary charge of ferriage; and for every burgess who could not come to the general assembly otherwise than by water, one hundred and twenty pounds of tobacco and cask a day, to be paid them by the county for which they serve respectively, besides an

Burgesses  
wages regulated.



allowance for divers days of travelling 'to and from the general assembly, as in the said act is particularly mentioned: And whereas by one other act of assembly made in the third and fourth years of the reign of his present majesty, intituled, An Act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, that when any session of assembly should be thereafter held, and upon examination of the treasurer's accounts, it should appear that there are monies sufficient in his hands to discharge all the debts due from the publick, together with the burgesses wages, and the salaries and allowances to the respective officers of the general assembly, leaving and reserving in the hands of the said treasurer, over and above the said payments, a balance of one thousand five hundred pounds at the least, then every burgess elected and serving for any county or corporation should be paid out of the publick money the sum of ten shillings for each day he should serve in the house of burgesses, and for the days of coming to and returning from the general assembly, according to the first recited act, in lieu of all other demands for that service, with a farther allowance to the burgesses for the counties of Accomack and Northampton, and others, coming to the general assembly by water, as in the said act is particularly directed.

II. And whereas, by reason of the low circumstances of the treasury, the wages of the burgesses for this present session cannot be discharged in money, according to the last mentioned act, and the same must be paid by the several counties; but forasmuch as the allowances, according to the first mentioned act, are very unequal, by reason of the various prices of tobacco in the different parts of this colony: For making the same more equal and just, *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the several county courts within this colony, except the counties of Augusta, Frederick and Hampshire, shall, at the laying of their next county levy, raise and levy so much tobacco as will be sufficient to pay the wages of their respective burgesses for this present session of assembly, according to the directions and regulations in the said last recited act mentioned, and shall cause the tobacco so

levied to be sold, and such wages paid out of the money arising by such sale, on or before the first day of May next; and that the several county courts of Augusta, Frederick and Hampshire, shall also, at the times aforesaid, levy and pay in money the wages of their respective burgesses for this present session of assembly.



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ANNO REGNI

## GEORGI II.

Regis Magnæ, Britanniae, Franciæ, et  
Hiberniæ, tricesimo quarto.

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*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thurs- day the fourteenth day of September, in the thirty-second year of the reign of our sovereign lord George II. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1758; and from thence continued by several prorogations to Monday the sixth of October, in the year of our Lord 1760; and then held at the Capitol, in Williamsburg; being the seventh session of this assembly.*

Francis Fauquier esq. governor.

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### CHAP. I.

*An Act for recruiting and further continuing the old regiment in the service of this colony, and for other purposes therein mentioned.*

I. WHEREAS it is necessary that the Virginia regiment should be further continued in the service of this colony, from the first day of December next (to

Virginia re-  
giment com-  
pleted and  
continued.



which time they are already provided for) until the first day of April next, as a security and defence to our frontiers; and that the said regiment should be filled up, and completed with new recruits: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said regiment shall be completed to one thousand men, to consist of so many companies, and to continue under the same establishment and regulations, as was directed by an act made in the thirty-second year of the reign of his present majesty, intituled, An Act for granting an aid to his majesty, for the better protection and defence of this colony, and for other purposes therein mentioned.*

Enlisting  
money.

II. And for the more speedy raising the number of men that shall be wanting to complete the said regiment, *Be it enacted by the authority aforesaid, That it shall and may be lawful to and for the officers appointed for that purpose by the governour, or commander in chief, to enlist so many men willing to enter into the said service as shall be sufficient for that purpose; and every person so enlisting shall receive from the officer enlisting him the sum of five pounds, and every such officer shall be allowed, over and above the rewards so to be paid by him, all his necessary expences in the enlisting such persons and conveying them to the said regiment.*

How the re-  
giment is to  
be employ-  
ed, the  
French in  
Canada hav-  
ing submit-  
ted.

III. And whereas part of the said regiment is now employed in garrison at Pittsburg, & other posts to the northward thereof, & it is become unnecessary that they should be continued there, as the French in all Canada have submitted themselves to his majesty, and the hostile incursions of the Cherokee Indians have made it necessary for this colony to employ all its force for the protection of the inhabitants on the frontiers: *Be it further enacted by the authority aforesaid, That the said forces now in garrison at Pittsburg, and other places to the northward, shall be immediately recalled to join the rest of the said regiment, and with them shall be employed for the protection of his majesty's subjects on the frontiers of this colony, in such manner as the governour or commander in chief shall from time to time order and direct; and if that part of the said regiment at Pittsburg, and the other places above mentioned, shall be detained or prevented by any au-*

thority whatsoever from re-joining the said regiment, or shall not after their return be employed in the service aforesaid, their pay and subsistence hereby given shall cease, and they shall not be deemed or taken to be in the service or pay of this colony, any thing in this or any other act to the contrary notwithstanding.

IV. And for defraying the expence of recruiting, clothing, paying & subsisting, of the said regiment until the said first day of April next, *Be it further enacted, by the authority aforesaid,* That John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of assembly, out of the publick money that shall come to his hands by virtue of this act, shall pay to such person or persons as shall be directed by warrant from the governour, or commander in chief of this colony for the time being, so much money as shall be necessary for the purposes aforesaid, so that the sums so to be paid do not exceed in the whole the sum of twenty thousand pounds, to be accounted for to the general assembly.

The sum of money.

V. And whereas it will be very troublesome to the governour or commander in chief to examine and settle the accounts of the several charges and expences of the said regiment, *Be it therefore enacted by the authority aforesaid,* That William Prentis, Thomas Everard and James Cocke, gentlemen, shall be, and they are hereby, appointed commissioners to examine, state and settle, such accounts relating to the expences of the said regiment as shall from time to time be referred to them by the governour or commander in chief for the time being; and each of the said commissioners shall be allowed for their trouble therein the sum of fifty pounds.

Commissioners to settle the accounts.

VI. And for raising the money hereby given and granted, *Be it further enacted, by the authority aforesaid,* That the same shall be paid out of the sums of money allotted to this colony, as our proportion of the sums granted by the parliament of Great-Britain to the American colonies; and that the governour or commander in chief of this colony for the time being, the president of his majesty's council, and the speaker of the house of burgesses, be, and they are hereby authorized and desired to draw bills of exchange under their hands, jointly, on James Abercrombie, esquire, in whose hands the said money now remains, to the

Money how to be raised.



amount of the said sum of twenty thousand pounds, and deliver the said bills to the said John Robinson, esquire, or the treasurer for the time being, appointed as aforesaid, who shall dispose of the same, to all such persons as shall be inclined to purchase them, at the highest difference of exchange he can procure; and the money arising from the sale of the said bills, to the amount afore-mentioned, shall be by the said treasurer paid and applied to the purposes of this act, and accounted for to the general assembly, after deducting one per centum for his trouble in receiving and paying the same.

Treasurer's allowance.

Treasurer to give security.

VII. *And be it further enacted, by the authority aforesaid, That John Robinson, esquire, treasurer of this colony, shall give such further security as shall be approved of by the governour or commander in chief of this colony, in the sum of twenty thousand pounds, for the due answering and paying all the money by him received from time to time by virtue of this act, and for the due and faithful performance of his said office; and in case of his death, resignation or disability, the treasurer to be appointed in his stead, shall in like manner give such further security before he enters into his said office.*

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## CHAP. II.

*An Act for appointing persons to receive the money granted, or to be granted, by the parliament of Great-Britain, to his majesty, for the use of this colony.*

Recital of acts of parliament granting aid to the southern colonies.

I. WHEREAS by an act of the parliament of Great-Britain, passed in the year one thousand seven hundred and fifty seven, a sum of money, not exceeding fifty thousand pounds, was granted to his majesty, to be paid to such person, and in such manner, and by such proportions, as his majesty shall direct, for the use and relief of his majesty's subjects in the several provinces of North and South-Carolina and Virginia;

and by another act of the said parliament, passed in the year one thousand seven hundred and fifty-eight, a further sum of two hundred thousand pounds was granted to his majesty, to enable him to give a proper recompence to the respective provinces in North-America, for the expences incurred by them in the levying, clothing and pay, of the troops raised by the same, according as the active vigour and strenuous efforts of the respective provinces shall be thought by his majesty to merit, And whereas his majesty has been graciously pleased to allot to his subjects of this his colony of Virginia the sum of thirty-two thousand two hundred and sixty-eight pounds, nineteen shillings, as their proportion of the said sum of fifty thousand pounds, and twenty thousand five hundred and forty-six pounds, as their proportion of the said two hundred thousand pounds, and by his warrants has directed the said several sums of thirty two thousand two hundred and sixty-eight pounds nineteen shillings, and twenty thousand five hundred and forty-six pounds, to be paid to James Abercrombie, esquire, for the use of this colony, to be by the said James Abercrombie paid to such person or persons as shall be duly authorized and appointed by the general assembly of this colony to receive the same.

II. And whereas by an act passed this present general assembly, intituled, An Act for recruiting and further continuing the old regiment in the service of this colony, and for other purposes therein mentioned, it is directed that twenty thousand pounds current money, part of the said several sums paid to the said James Abercrombie by virtue of his majesty's warrants, be drawn out of the hands of the said James Abercrombie, by bills of exchange, to be drawn by the governour, or commander in chief of this colony for the time being, the president of his majesty's council, and the speaker of the house of burgesses, on the said James Abercrombie, and to be delivered to John Robinson, esquire, treasurer of this colony; or the treasurer for the time being, appointed by or pursuant to an act of assembly, to be by him disposed of, for the purposes therein mentioned; and after paying the same, there will remain in the hands of the said James Abercrombie a considerable balance due to this colony: *Be it therefore enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and*

How drawn  
for.



*it is hereby enacted, by the authority of the same, That the said governour or commander in chief, president and Speaker, be, and they are hereby authorized and impowered to draw bills of exchange on the said James Abercrombie for the balance remaining in his hands, after deducting the said twenty thousand pounds current money, which bills of exchange they shall deliver to the said treasurer or the treasurer of this colony for the time being, appointed as aforesaid, who shall dispose of them in the same manner as is directed in the above mentioned act of assembly; and the money arising from the sale of the said bills shall be, by the said treasurer, applied in the first place for and towards the discharge of such publick debts of this colony as bear interest, and the balance, if any, to such other uses and purposes as shall be from time to time directed by the general assembly of this colony.*

Agent for  
Virginia au-  
thorised to  
receive mo-  
ney.

*III. And be it further enacted, by the authority aforesaid, That Edward Montague, esquire, or in case of his death, removal, or refusal to act, such person as shall be appointed agent for this colony by or pursuant to an act of the general assembly, shall be, and he is hereby authorized, directed and impowered, to receive all such other sum and sums of money as already have been, or hereafter shall be, granted by the parliament of Great-Britain to his majesty, for the use of this colony; and the said governour or commander in chief, president and speaker, shall be, and they are hereby authorized, impowered and directed, to draw their bills of exchange upon the said Edward Montague, esquire, or such other person, under their hands, for all such sums of money, and deliver them to the said treasurer, or the treasurer for the time being, appointed as aforesaid; who shall dispose of such bills, and apply the money arising from the sale thereof, in the manner herein before directed; or the said governour, president and speaker, if they shall think it most for the service of this colony, shall order the said Edward Montague, esquire, or such other person, to remit such money in specie to the said treasurer, who shall account for the same to the general assembly, and shall be allowed the sum of one per centum for his trouble in receiving and paying the same.*

Additional  
security re-  
quired of  
treasurer.

*IV. And be it further enacted, by the authority aforesaid, That John Robinson, esquire, treasurer of this colony, shall give such further security as shall be*

approved by the governour, or commander in chief of this colony, in the sum of forty thousand pounds, for the due answering and paying all the money by him received from time to time, by virtue of this act; and in case of his death, resignation or disability, the treasurer to be appointed in his stead shall in like manner give such further security, before he enters into his said office.

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### CHAP. III.

*An Act to explain and amend the act, intituled, An Act for appointing an agent.*

I. WHEREAS by an act of the general assembly, passed in the thirty-second year of the reign of his present majesty, intituled, An Act for appointing an agent, Edward Montague, of the Middle-Temple, esquire, was appointed agent for this colony, to be at all times under the direction of certain persons thereby declared to be a committee of correspondence, to transmit such matters and things to him as should be committed to their charge by the general assembly, and to receive from him information and intelligence of his proceedings, as well in such cases as should be to him intrusted by the said committee, or the major part of them, as in every other matter and thing that should come to his knowledge, that might either affect or be for the interest of this colony; and that the said committee should from time to time, as they should be required, lay before the general assembly copies of all such letters and instructions as should be by them sent to such agent, as also the originals of all letters by them received from the said agent: And it was further enacted, that if any one or more of the persons so appointed a committee of correspondence should presume to write any private letter to the said agent, containing any matter repugnant to such letters or instructions as should be transmitted by the major part of them acting as a committee, or should write any private letter, containing any instructions, in any mat-

Act for appointing an agent, for Virginia, to reside in England, explained and amended.



ter, before the same had been considered and approved of by a committee, every person committing such misdemeanour should be liable to the censure of the general assembly: And it was further enacted, that it should and might be lawful for the treasurer of this colony for the time being, appointed by or pursuant to an act of assembly, to pay unto the said agent, out of the publick money that should be in the treasury, the sum of five hundred pounds sterling per annum, as a full compensation for his trouble and expences in the discharge of his duty in such office.

II. *Provided nevertheless*, and it was thereby enacted, that if at any time the said committee, or the major part of them, should think proper to remove the said Edward Montague, esquire, from his office of agent, then such allowance and power thereby given to the said Edward Montague, esquire, should cease; and such committee, or the major part of them, should notify the same to him, and lay their reasons for so doing before the next succeeding assembly; or in case the said Edward Montague, esquire, should die, or refuse to take upon himself the said office of agent, the said committee are thereby impowered and required, either upon the removal of the said Edward Montague, esquire, from his office of agent, or upon his death, or refusal to take upon himself the said office, to appoint some other fit person in his room to act as agent, for such allowance as aforesaid, to be approved of the succeeding assembly: And it was further enacted, that the said act should continue and be in force, from and after the passing thereof, for and during the term of seven years, and no longer.

III. And whereas a doubt has arisen in the construction of the proviso in the said recited act, whether the appointment of another person to act as agent for this colony, in case of the removal, death, or refusal to act, of the said Edward Montague, by the said committee of correspondence, which consists of several members, as well of his majesty's council as of the house of burgesses, according to the power given to them in the said proviso, was by the said act, intended to be submitted to the approbation of the house of burgesses only, or to the controul of the whole legislative power of this colony; and although the true intent and meaning of the act is, that the appointment in the proviso mentioned, and the reasons for the same,

should be laid before and approved of by the general assembly, yet, to obviate all doubts, it is necessary that the said act should be explained and amended: *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the person so to be appointed by the said committee of correspondence to act as agent for this colony, in case of the removal, death, or refusal to act, of the said Edward Montague, shall be first approved of by the governour or commander in chief of this colony for the time being, and continue in the said office of agent until the succeeding general assembly, and no longer, unless he shall be approved of by the general assembly, any thing in the said recited act to the contrary, or seeming to the contrary thereof, in any wise notwithstanding.*

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#### CHAP. IV.

*An Act to dock the entail of certain lands whereof Charles Lewis, gentleman, is seized, and for settling other lands of greater value to the same uses.*

I. WHEREAS John Lewis, formerly of the parish of Abington, in the county of Gloucester, esquire, was seized in fee-simple of a tract or parcel of land called by the name of Chemokins, alias Port-Holy, lying in the parish of Saint Peter, in New-Kent county, containing thirteen hundred acres, more or less, being part of a patent granted to Major William Lewis; and being so seized by indenture bearing date the thirteenth day of October, in the year of our Lord one thousand seven hundred and seventeen, and made between the said John Lewis, esquire, of the one part, and Charles Lewis, son to the said John, of the other part, did, for the considerations therein mentioned, give and grant unto his said son Charles Lewis the said tract or parcel of land, with the appurtenances,

Entail of certain lands whereof Charles Lewis is seized, docked, and other lands settled to the same uses.



to have and to hold, to him the said Charles Lewis, and the male heirs of his body lawfully begotten, for ever; and for want of such heirs, to Robert Lewis, son to the said John, and the heirs male of his body lawfully begotten, for ever; and for want of such heirs, to the heirs male of the body of him the said John lawfully begotten; and for default of such male heirs, to the right heirs of his said son Charles, for ever; and so extinguish and determine the said estate tail: And in the said indenture, it is declared to be the real intent and desire of the said John the father, that if at any time the said Charles should fall into extreme poverty and want, or his male heirs begotten in possession, that then the said Charles, or his said heirs, might dispose of or sell the said land for their relief, by virtue of which deed the said Charles Lewis entered into the said lands, with the appurtenances, and is now seized thereof in fee-tail.

II. And whereas the said Charles Lewis is seized in fee-simple of and in eighteen hundred and fifty acres of land, lying and being on Tye river, in Albemarle county (formerly Goochland) granted to the said Charles Lewis by patent bearing date the twenty-fifth day of July, in the year of our Lord one thousand seven hundred and forty-one, and it will be greatly to the advantage of the said Charles Lewis and his posterity to dock the entail of the said thirteen hundred acres of land, called Chemokins, and to settle the said eighteen hundred and fifty acres of land, on Tye river, in Albemarle county, so granted to the said Charles Lewis by patent, being of greater value, to the same uses; and John Lewis, gentleman, eldest son, and heir apparent, of the said Charles, being of full age, is willing and desirous that an act should pass for that purpose: And forasmuch as notice hath been published, three Sundays successively, in the church of the said parish of Saint Peter, that application would be made to this present general assembly to dock the entail of the said thirteen hundred acres, called Chemokins, and to settle other lands of greater value to the same uses, pursuant to your majesty's instructions.

III. May it therefore please your most excellent majesty, at the humble suit of the said Charles Lewis, that it may be enacted, *And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by*

*the authority of the same,* That the said thirteen hundred acres of land, called Chemokins, with the appurtenances, lying and being in New-Kent county, whereof the said Charles is now seized in fee-tail, as aforesaid, be, and the same is hereby, vested in the said Charles Lewis, his heirs and assigns, to the only proper use and behoof of the said Charles Lewis, and his heirs and assigns, for ever; and that the said eighteen hundred and fifty acres of land, with the appurtenances, lying on Tye river, in the county of Albemarle, granted to the said Charles Lewis by patent, shall be, and the same are hereby, vested in the said Charles Lewis, and the male heirs of his body lawfully begotten, for ever; and in default of such heirs, the same shall remain and descend to such person and persons as the said thirteen hundred acres of land, called Chemokins, would have remained and descended, by virtue of the before recited indenture, if this act had never been made.

IV. Saving to the king's most excellent majesty, his heirs and successors, and all and every other person and persons, bodies politick and corporate, other than the persons claiming under the said recited indenture, all such right, title, interest and estate, claim and demand, as they, every, or any of them, could or might claim, if this act had never been made.

V. *Provided always,* That the execution of this act shall be, and the same is hereby, suspended, until his majesty's approbation thereof shall be obtained.





ANNO REGNI

## GEORGI II,

Regis Magnæ Britanniae, Franciae, et  
Hiberniae, primo.

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*At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the fourteenth day of September, in the thirty-second year of the reign of our sovereign lord George II. by the grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the year of our Lord, 1758; and from thence continued by several prorogations to Thursday the fifth of March, in the first year of the reign of his present majesty, George III. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1761; and then held at the Capitol in the city of Williamsburg; being the seventh session of this general assembly.*

Francis Fauquier, esq.  
governor.

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### CHAP. I.

*An Act for recruiting and further continuing the regiment in the service of this colony, and for other purposes therein mentioned.*

I. WHEREAS it is necessary that the regiment in Preamble.  
the service and pay of this colony should be completed



to one thousand men, and further continued and retained in the service of the government from and after the first day of April next, to which time they are already provided for, until the first day of December next: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That it shall and may be lawful to and for the

The number  
to be enlisted.

officers appointed for that purpose by the governour or commander in chief of this colony to enlist so many men willing to enter into the said service as shall be necessary to complete the number of the said regiment to one thousand; and every person so enlisting shall receive from the officer enlisting him the sum of five pounds, and every such officer shall be allowed, over and above the rewards so to be paid by him, all his necessary expenses in the enlisting such persons and conveying them to the place of general rendezvous.

The reward.

Regiment to  
be disposed  
of by the go-  
vernour.

*II. And be it further enacted, by the authority aforesaid,* That the said regiment shall and may, by direction of the governour or commander in chief for the time being, be disposed of for the protection of the frontiers of this colony as he shall think most expedient.

The sum.

*III. And be it further enacted, by the authority aforesaid,* That so much money as shall be necessary for defraying the charge of recruiting, paying, subsisting, and other expences of the said regiment, until the said first day of December next, shall be paid by John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of assembly, out of the money arising from bills of exchange drawn or to be drawn, in pursuance of an act of assembly made in the last year of the reign of his late majesty king George the second, of happy and glorious memory, entitled, An Act to explain and amend the act, entitled, An Act for appointing an agent; so as the sums so to be paid do not exceed in the whole the sum of thirty thousand pounds, to be accounted for to the general assembly.

Commission-  
ers.

*IV. And whereas it will be very troublesome to the governour or commander in chief to examine and settle the accounts of the several charges and expenses of the said regiment, Be it therefore enacted by the authority aforesaid,* That William Prentis, Thomas Everard and James Cocke, gentlemen, shall be, and they

are hereby, appointed commissioners to examine, state and settle, such accounts relating to the expenses of the said regiment as shall from time to time be referred to them by the governour or commander in chief for the time being, and each of the said commissioners shall be allowed for their trouble therein the sum of fifty pounds.

V. And whereas there is not money sufficient in the hands of the treasurer to pay the book of claims, the arrears due to the militia, and damages done by the Indians, a particular account of which arrears and damages hath been stated and settled by the committee of claims: *Be it therefore enacted by the authority aforesaid,* That the said treasurer, or the treasurer for the time being, appointed as aforesaid, shall, out of the money arising from bills of exchange drawn or to be drawn as aforesaid, pay to the several persons named in the said account and book of claims the sums of money to which they are respectively entitled.

Arrears of militia and damages done by the Indians paid for.

VI. And whereas by an act of the general assembly made in the thirtieth year of the reign of his late majesty king George the second, entitled, An Act for granting an aid to his majesty, for the better protection of this colony, and for other purposes therein mentioned, an additional duty of ten per centum was imposed on all slaves imported or brought into this colony for sale, either by land or water, from any port or place whatsoever, from and after the ninth day of July one thousand seven hundred and fifty-eight, during the term of seven years, to be paid by the buyer or purchasers thereof on the amount of each respective purchase, over and above the several duties laid on slaves imported as aforesaid by any act or acts of assembly then subsisting, which said additional duty of ten per centum hath been found very inconvenient: *Be it therefore further enacted by the authority aforesaid,* That so much of the said in part recited act of assembly, and every article and clause thereof as relates to the imposing, collecting and paying, the said additional duty on slaves, be, and the same are hereby, repealed and made void, to all intents and purposes whatsoever.

Additional duty on slaves taken off.



## CHAP. II.

*An Act for further continuing an act, entitled, An Act for reducing the several acts for making provision against invasions and insurrections into one act.*

Act providing against invasions & insurrections further continued.

WHEREAS the act of assembly made in the thirtieth year of the reign of his late majesty king George the second, entitled, An Act for reducing the several acts for making provision against invasions and insurrections into one act, will expire on the eighth day of June next, and it being necessary and expedient that the said act should be further continued: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited act of assembly shall continue and be in force from and after the said eighth day of June next, for and during the term of two years.*

## CHAP. III.

*An Act to continue and amend an act, entitled, An Act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned.*

Act for regulating and collecting officers fees further continued.

I. WHEREAS the act of the general assembly made in the nineteenth year of the reign of his late majesty king George the second, entitled, An Act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned, which hath been continued by several acts, will expire on the twelfth day of April, one thousand seven hundred and sixty-two; and it being necessary that the same should be further continued, with amendments: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Bur-*

gesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited act, and every clause and article thereof, shall continue and be in force from and after the said twelfth day of April, one thousand seven hundred and sixty-two, for and during the term of two years, and no longer.

II. *Provided nevertheless, and be it further enacted, by the authority aforesaid,* That it shall and may be lawful to and for any person or persons from whom any tobacco shall be due for secretaries, clerks, sheriffs, surveyors, or other officers fees, to pay and satisfy the same either in tobacco, according to the said recited act, or in money, at the rate of sixteen shillings and eight-pence for every hundred pounds of neat tobacco, and so in proportion for a greater or lesser quantity, at the option of the payer. And the sheriffs or collectors of the said fees shall, and they are hereby required, to receive the same from any person or persons in discharge of any such fees; and the sheriffs or collectors of the fees aforesaid shall account with and pay to the persons entitled to the same all the money which they shall receive in payment of such fees, which shall discharge such sheriffs or collectors from any other demands for the fees so paid in money, any thing in the said recited act to the contrary thereof in any wise notwithstanding: Provided also that nothing therein contained shall be construed to extend to the fees of any the officers aforesaid, which shall become due and owing in the counties of Halifax, Bedford and Loudoun; but that the fees due in the said counties shall continue to be paid in the same manner as if this act had never been made.

Fees due in tobacco, payable in money, at 16s & 8d per hundred.

Except in certain counties.

III. And whereas by an act of the general assembly made in the twelfth year of the reign of his late majesty king George the second, entitled, An Act for erecting two new counties and parishes, and granting certain encouragements to the inhabitants thereof, the inhabitants of the counties of Frederick and Augusta were, amongst other things, allowed to pay the fees due from them to the secretary, clerks, and other officers, in money, at the rate of three farthings per pound, on the gross tobacco; and by one other act of the general assembly, made in the twenty-seventh year of the reign of his said late majesty, entitled, An Act for allowing the inhabitants of the counties of Halifax,



Hampshire and Bedford, to discharge their publick dues and officers fees in money, instead of tobacco, the inhabitants of the county of Hampshire were also allowed to discharge the secretaries, clerks, and other officers fees, in money, at the like rate of three farthings per pound on the gross tobacco; and whereas it hath been represented to this present general assembly that the said rate of three farthings per pound is much below the real value of tobacco, and by no means adequate to the trouble and expense which the clerks and other officers in the said counties are obliged to sustain in the execution of their several offices: *Be it therefore further enacted, by the authority aforesaid,* That from and after the first day of January next, the inhabitants of the said counties of Frederick, Augusta and Hampshire, shall discharge all fees due from them to the secretary, clerks, and other officers, in the said counties, at the rate of eight shillings and four pence for every hundred weight of gross tobacco, any thing in the before recited acts to the contrary thereof in any wise, notwithstanding.

Tobacco fees in Frederick Augusta and Hampshire payable in money at 8s. & 4d. per hundred.

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#### CHAP. IV.

*An Act to continue an act, entitled, An Act for reducing the several acts made for laying a duty on liquors into one act.*

Acts imposing duties on liquors, further continued.

I. WHEREAS an act of assembly, made in the thirty-second year of the reign of his late majesty king George the second, entitled, An Act for reducing the several acts made for laying a duty on liquors into one act, will expire on the tenth day of June, one thousand seven hundred and sixty-two; and it being found necessary that the same should be further continued: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said act shall continue and be in force from and after the expiration thereof, for and during the term of three years from thence following, and no longer.

## CHAP. V.

*An Act for amending and further continuing the several acts of assembly of this colony for amending the staple of tobacco and preventing frauds in his majesty's customs.*

I. WHEREAS the act of assembly made in the twenty-second year of the reign of his late majesty king George the second, entitled, An Act for amending the staple of tobacco and preventing frauds in his majesty's customs, together with three other acts made in the twenty-fifth, twenty-seventh, and twenty-eighth years of his said late majesty's reign, for continuing and amending the said act, will expire at the end of this session of assembly, and it is necessary that the same should be further continued, with amendments:

*Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That besides the two inspectors appointed at the several warehouses, the governour or commander in chief, with the advice and consent of the council, shall and may appoint any other person, recommended with such inspectors, to be an additional inspector at the warehouse, for which he shall be recommended, which additional inspector shall officiate as such only in cases of the disagreement in opinion of the other inspectors as to the quality of tobacco under their inspection, or where either of them shall be absent from the duty of his office, or shall bring his own tobacco to the warehouse whereof he is inspector to be viewed; and the said additional inspector shall be paid for such services as he shall perform, by occasion of the absence of either of the other inspectors, out of the salary of such absenter, in proportion to the time he shall officiate; and every such additional inspector, before he officiates as such, shall give bond with sufficient security, in the penalty of three hundred pounds, payable to his majesty, his heirs and successors, and shall take an oath for the due and faithful performance of his duty; and shall also, when called on, attend his duty at the*

Preamble.

Additional inspectors, how appointed.

How qualified.



warehouse where he shall be appointed, under the like penalties and forfeitures as are directed and appointed for the other inspectors.

Pickers,  
when and  
how appoin-  
ted.

II. And whereas many persons attending several of the publick warehouses, under the denomination of tobacco pickers, to be employed in picking the tobacco refused by the inspectors, are guilty of great frauds, impositions and abuses, therein; for remedy whereof, *Be it enacted by the authority aforesaid*, That the courts of the several counties of Henrico, Chesterfield, Dinwiddie, Prince George, Halifax, Prince William, Stafford, King George, Spotsylvania, Hanover and Surry, shall, and they are hereby empowered, to nominate and appoint, in the month of August or September annually, such and so many persons as to them shall seem necessary, who are willing to undertake the same, to attend the respective warehouses within their county, to sort, separate and pick, such tobacco as shall be refused by the inspectors; and every person so appointed a picker shall make oath before the court at the time of his appointment, or at the next succeeding court, that he will lawfully and diligently, without fraud or embezzlement, sort and separate all such tobacco as shall be refused by the inspectors, and the owner or proprietor thereof shall employ him to pick; and if any person so to be appointed a tobacco-picker shall, by demanding or exacting an extravagant price for his services, or in any other manner misbehave himself in his said office, it shall be lawful for the court of the county where such picker shall be appointed, on complaint and motion to them made, to remove such picker from his said office, and to appoint another person to act in his room, if to them it shall seem necessary, provided that such picker shall have ten days previous notice of such motion. And if any person, not being appointed and sworn as aforesaid, shall presume to undertake the picking, sorting or separating, any such tobacco for hire or reward, every such person so offending shall forfeit and pay twenty-five shillings for every such offence, to be recovered by the informer to his own use before any justice of the peace. *Provided nevertheless*, That nothing herein mentioned shall extend, or be construed to extend, to prohibit the owner or proprietor of any such refused tobacco from sorting, separating or picking, the same with his or her own servants or slaves.

How qualifi-  
ed.

How remov-  
ed.

Penalty for  
acting with-  
out qualifi-  
cation.

III. And to prevent the frequent and great losses Warehouses, which arise for want of sufficient houses for the recep- state and tion of tobacco at many of the publick inspections, *Be condition of, it further enacted by the authority aforesaid,* That the to be report- inspectors at the several warehouses shall, at the court ed by inspec- tors. to be held for their respective counties, in the month of September, yearly, or at the next succeeding court, produce and render into court an exact account, under their hands, of the number of hogsheads of tobacco inspected at their respective warehouses the preceding year, and of the condition of the warehouses under their charge, and the quantity of tobacco they are capable of containing, and thereon such court, if they shall not be satisfied that the warehouses already built at such inspection are properly secured, and contain sufficient room for at least one half of the number of hogsheads mentioned in such account to be conveniently stowed, shall enter an order that the owner or proprietor of such warehouses shall, within such reasonable time as the said court shall think fit to allow, repair and make close the warehouses already built, and secure the same with strong doors, to be hung on iron hinges, and with strong locks or bolts; and that such owner or proprietor shall also, before the first day of April in the ensuing year, erect, build, and completely finish, such and so many other strong close and substantial houses as, with the other houses already built, shall be sufficient, in the opinion of such court, conveniently to contain at least one half of the quantity of tobacco mentioned in such inspectors account, and secure the same in such manner as is before directed for the warehouses already built, a copy of which order shall be served on such owner or proprietor, or his known agent, attorney or guardian: And in case such owner or proprietor, or any person on his behalf, will undertake the same, then the said court shall, and they are hereby required, to take bond with sufficient security in a reasonable penalty, payable to his majesty, his heirs and successors, with a condition for the due performance of such undertaking; and if on such notice such owner or proprietor, or some other person on his behalf, shall not undertake the same, and give bond as aforesaid at the next succeeding court after the entering such order, then it shall and may be lawful for the said court, and they are hereby required, to cause such repairs and houses

How repair-  
ed, and new  
ones erected



to be made and built as aforesaid, and to levy the charge thereof on the inhabitants of their county, and shall and may take and receive annually a part of the rents established at such inspection, in proportion to the other houses there, for reimbursing the county the charge of such repairs and buildings: And if any county court shall refuse or fail to do their duty in directing such repairs or buildings, or causing the same to be made or built, every justice so failing or refusing shall forfeit and pay one thousand pounds of tobacco, to be recovered in the general court with costs, by action of debt or information against such justices jointly. Provided that where two or more inspections are established in one county, within the distance of one mile from each other, and it shall be necessary to build more warehouses at any of them, the court shall direct the building such additional houses at such of the said inspections as to them shall seem most proper; and if there shall be in the whole sufficient house room, according to the directions of this act, for one half of the tobacco brought to such inspections, the court shall not direct the building any other houses at any of them.

The remedy  
for owners of  
warehouses  
when wasted  
and destroyed.

IV. *And be it further enacted, by the authority aforesaid,* That on complaint made by the owner or owners of any of the warehouses aforesaid to any justice of the peace of the county wherein such warehouses shall lie against any person or persons, for breaking, tearing, or committing any waste or destruction of or in such warehouse or warehouses, it shall and may be lawful for such justice, and he is hereby empowered and required, to give judgment and award execution against the body or estate of such offender, if committed, for all damages occasioned by such breaking, tearing, waste or destruction, provided such damages do not exceed the sum of two pounds, in his opinion; and if such damages shall exceed that sum, then it shall and may be lawful for such owner or owners to commence and prosecute his, her, or their action at law, against any such offender, in any court of record within this colony.

Inspectors to  
give receipts

V. *And be it further enacted, by the authority aforesaid,* That from and after the twentieth day of October next the inspectors of tobacco at the several warehouses within this colony shall immediately, on the delivery of every hogshead of tobacco at the ware-

houses whereof they are inspectors, give a receipt for such tobacco, if required by the proprietor or person bringing the same to the said warehouses, expressing therein that the same is for inspected tobacco.

VI. And whereas by one act of assembly, made in the twentieth year of the reign of his said late majesty, entitled, An Act for granting an aid to his majesty for the better protection of this colony, and for other purposes therein mentioned, a duty of two shillings was imposed for every hogshead of tobacco passed and delivered out at and from the several warehouses in this colony between the twentieth day of October then next following and the twentieth day of October, in the year one thousand seven hundred and sixty-four; and by another act, made in the thirty-second year of the reign of his said late majesty, entitled, An Act for granting an aid to his majesty for the better protection and defence of this colony, and for other purposes therein mentioned, the like duty of two shillings was imposed for every hogshead of tobacco so to be passed and delivered between the said twentieth day of October, one thousand seven hundred and sixty-four, and the twentieth day of October, one thousand seven hundred and sixty-seven; and by another act, made in the thirty-third year of the reign of his said late majesty, entitled, An Act for granting the sum of ten thousand pounds for the further protection of this colony, the like duty of two shillings was imposed for every hogshead of tobacco so to be passed and delivered between the said twentieth day of October, one thousand seven hundred and sixty-seven, and the twentieth day of October, one thousand seven hundred and sixty-nine; which duties the inspectors at the several warehouses are by the said acts directed and required to receive, account for, and pay to the treasurer of this colony, without fee or reward, which is found to be very unreasonable. *Be it therefore further enacted by the authority aforesaid,* That from and after the passing of this act the said inspectors shall be allowed, in their accounts to be settled with the treasurer, for the said duties, five per centum on the amount thereof, as a salary for their trouble in receiving, accounting for, and paying the same.

Commissions allowed inspectors, on duties imposed on tobacco.

VII. *And be it further enacted, by the authority aforesaid,* That transfer notes of any of the warehouses in the counties of Norfolk, Princess-Anne, Nansemond,

Transfer notes where to pass in payment.



and Elizabeth City, shall pass in payment of quit-rents, levies, and other officers fees, in either of the counties of Norfolk and Princess-Anne.

The abate-  
ments.

VIII. *And be it further enacted, by the authority aforesaid, That out of every hundred pounds of tobacco which shall be paid in discharge of quit-rents, secretaries, clerks, sheriffs, surveyors, or other officers fees, in the counties hereafter mentioned, and so proportionably for a greater or lesser quantity, there shall be the following abatements or allowances to the payer; that is to say, for tobacco due in the county of Prince William, the person paying shall and may retain in his hands fourteen pounds of tobacco, and for tobacco due in the county of Fauquier, twenty pounds of tobacco.*

Repealing  
clause.

IX. *And be it further enacted, by the authority aforesaid, That all and every clause and clauses in any of the before recited acts contained, or so much thereof as is contrary to this act, shall be and are hereby repealed.*

Continuance

X. *And be it further enacted, That this act, together with so much of the said three recited acts of assembly as are not altered or amended by this act, shall continue and be in force for and during the term of three years, and from thence to the end of the next session of assembly.*

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## CHAP. VI.

*An Act to amend an Act, entitled, An Act concerning Seamen, also one other act, entitled, An Act for preventing frauds in the customs and in clearing of ships, for ascertaining collectors and naval officers fees, and to prohibit and prevent the casting ballast or dead bodies into rivers or creeks.*

Recital of  
act, prohibi-  
ting the put-  
ting sick or

I. WHEREAS by an act of the general assembly, made in the twenty-second year of the reign of his late majesty king George the second, entitled, An Act con-

cerning Seamen, it is, among other things, enacted that if any master or commander should discharge, or cause to be put on shore, any sick or disabled sailor or sailors belonging to his ship or vessel, or any servant, without taking due care for their maintenance and cure, he should forfeit and pay ten pounds current money to the churchwarden or churchwardens of the parish wherein such sailor or sailors, or servant, should be put on shore, to be recovered with costs, by action of debt or information, in any county court, and applied towards lessening the parish levy; and he should also be liable to the action of the churchwardens of that or any other parish wherein such sailor or sailors, or servant, should become chargeable, for all expences of maintenance and cure, in which action no statute or act of limitation should be pleaded.

II. And whereas by one other act made in the same year, entitled, An Act for preventing frauds in the customs and in clearing of ships, for ascertaining collectors and naval officers fees, and to prohibit and prevent the casting ballast or dead bodies into rivers or creeks, it is, among other things, also enacted that every master of a ship or vessel within this colony, having ballast to unlade, should give notice thereof in writing to some officer appointed in the district where the vessel rides, pursuant to that act, and appoint the time of such officer's attendance; and, at the time of his clearing out, should produce to the officer of the customs by whom he should be cleared a certificate of his having unladen and brought on shore his ballast, as by that act required: And if any such master should presume to unload any ballast before notice given as aforesaid, or cast or suffer the same to be cast overboard, or should land or suffer the same to be put on shore at any other place, or in any other manner than should be directed by the proper officer appointed by virtue of that act, he should forfeit and pay fifty pounds for every such offence; and if, at the time of his clearing out, he should fail to produce and deliver to the officer of the customs by whom he should be cleared such certificate as was therein before required, such failure should amount to a conviction, and he should be adjudged guilty of a breach of that act, and liable to the said penalty of fifty pounds. And further, that when any negro, or other person whatsoever, should die on board any ship or vessel within this dominion,

disabled seamen on shore

And of act regulating the unloading of ballast, and burial of bodies dying at sea.



the master of such ship or vessel should cause the dead body to be brought on shore and there buried above high water mark, four feet deep at the least, on penalty of forfeiting for his neglect therein, or suffering such dead body to be cast into the water, fifty pounds for every such offence; one moiety to the king, his heirs and successors, to be paid to the treasurer, and applied to the uses in the said act mentioned; the other moiety to the informer, recoverable with costs, by action of debt or information, in any court of record of this dominion.

III. And whereas the forfeitures and penalties in the said recited acts of assembly mentioned are frequently incurred by the masters or commanders of ships and vessels in this colony, but the recovery thereof evaded by the persons incurring the same, leaving this colony before any action or suit brought for such forfeitures and penalties can be determined; and as no person sued on the said acts can, as the law now stands, be held to special bail, the prosecutions are rendered entirely useless, the masters or commanders of ships and vessels seldom having any estate in this colony, to levy the debt and costs on, after a recovery obtained: For a remedy whereof for the future, *Be it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That on the appearance of the defendant in any action or suit brought or to be brought on the said in part recited acts of assembly, where the plaintiff shall move that the defendant may be held to special bail, the court may, if they see cause, rule him to give special bail accordingly, or commit him in custody of the sheriff until such bail be given; and the person and persons becoming special bail shall be liable to the judgment and recovery against such defendant, unless he render his body in execution in discharge of his bail, any law, custom or usage, to the contrary in any wise notwithstanding.

IV. *Provided always,* That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

In actions  
founded on  
these sta-  
tutes, spe-  
cial bail may  
be required.

## CHAP. VII.

*An Act for raising a Publick Levy.*

**I.** *BE it enacted by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That* Taxes for  
1761. six pounds of tobacco be paid by every tithable person within this dominion for the defraying and payment of the publick charge of the country, being the publick levy, from the twenty-second day of February, one thousand seven hundred and fifty-nine, to the sixth day of March, one thousand seven hundred and sixty-one; and that it be paid by the collectors of the several counties to the several persons and counties, respectively, to whom it is proportioned by this general assembly.

**II.** And if it shall happen that there shall be more tithables in any county than the present levy is laid on, then such county shall have credit for so much, to the use of the county; and if fewer tithables in any county, then such county shall bear the loss.

**III.** *Provided always,* That where any allowance is made in the book of proportions to any county, to be paid in the same county, no more per poll shall be collected from the tithables of such county than will discharge the balance, after such allowance shall be deducted; and that every county court shall regulate the levy accordingly.

**IV.** *And be it further enacted, by the authority aforesaid,* That the sheriff of every county shall, at the court of his county to be held in the months of September or October next, give bond and security for the due collection and payment of the publick levy now laid and assessed; and whereas there are several balances due to the publick from the following counties, Sheriffs to  
give bond &  
security. to wit, the county of Amelia 5841, the county of Cumberland 7033, the county of Dinwiddie 860, the county of Goochland 10,113, the county of Lunenburg 1859, the county of Prince Edward 1775, the county of Prince George 10,087, and the county of Southampton 2551, pounds of tobacco, as appears by the book of proportions, Balances due  
from certain  
counties,  
when and  
how paid. *Be it further enacted by the authority aforesaid,* That the sheriff of each of the said counties of Amelia, Cumberland, Dinwiddie, Goochland,



Remedy, by  
motion a-  
gainst sher-  
iff.

Old balances  
recoverable,  
by motion.

Lunenburg, Prince Edward, Prince George, and Southampton, shall sell the respective quantities of tobacco levied in his county, as a depositum for the use of the publick, to the highest bidder, at the court of his said county, to be held in the month of July next, after such tobacco shall become due, and pay the money arising from such sale to the treasurer of this colony for the time being, on or before the twentieth day of October thence next following: And if any sheriff shall neglect or refuse to pay the money arising from the sale of such tobacco, according to the directions aforesaid, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff, on a motion made to them by the treasurer, to give judgment against such sheriff and his securities for all the money arising on the sale of such tobacco, and thereon to award execution: Provided that such sheriff have ten days previous notice of such motion:

V. And whereas divers large quantities of tobacco, due to the publick from the counties of Elizabeth City and Louisa in the year 1746, from the county of Surry in the year 1748, from the counties of King and Queen and Westmoreland in the year 1752, and from the counties of Charles City, Dinwiddie, Gloucester, Middlesex, New Kent, Prince George and Southampton, in the year 1759, have not been paid to the treasurer of this colony, according to the directions of the several acts of assembly passed in each of the aforesaid years, for raising the publick levy: *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the general court, or the court of either of the said counties of Elizabeth City, Louisa, Surry, King and Queen, Westmoreland, Charles City, Dinwiddie, Gloucester, Middlesex, New-Kent, Prince-George and Southampton, on a motion to them made by the treasurer, to give judgment against the respective sheriffs of the said counties and their securities, or the executors or administrators of such sheriffs or securities, in case of the death of any of them, for all such quantities of tobacco, or money arising by the sale thereof, which the said sheriffs have failed to pay, according to the directions of the several acts of assembly aforesaid, and thereon to award execution: Provided that such sheriffs and securities, their executors or administrators, have ten days previous notice of such motion.

## CHAP. VIII.

*An Act for regulating the practice of Attornies.*

I. FOR the better regulating attornies practising <sup>Examiners</sup> in the several courts of this colony, *Be it enacted, by how appoin-*  
*the Lieutenant-Governour, Council, and Burgesses, of* <sup>ted.</sup>  
*this present General Assembly, and it is hereby enacted,*  
*by the authority of the same,* That the judges of the general court for the time being shall, and they are hereby empowered and required, to nominate and appoint from time to time such and so many of the council learned in the law, and attornies practising in the said court, as they shall think fit to examine into the capacity, ability and fitness, of such persons as shall from time to time apply for a license to practice as attornies in the county courts, or other inferiour courts of this colony, and shall cause such nomination and appointment to be entered in the records of their court; which persons so nominated and appointed shall, at the time of their nomination, make oath before the general court that they will well and truly examine into the capacity, ability and fitness, of all such persons as shall make application to them for a license to practise as attornies, and that they will not grant a license to any person who shall not on examination to the best of their knowledge be found sufficiently qualified to practise as an attorney as aforesaid.

II. *And be it further enacted, by the authority aforesaid,* That every person desiring a license to practise as an attorney as aforesaid shall, before he be examined produce to the examiners a certificate from some county court, or other inferiour court; wherein he intends to practise, of his probity, honesty, and good demeanour, and shall also pay down to such examiners the sum of twenty shillings; after which it shall and may be lawful for such examiners, and they are hereby empowered and required, to proceed to make such examination, and to grant such license as aforesaid, under their hands and seals, or to refuse such license to the person so examined, according as he shall appear fit and qualified or not, on such examination: And if the persons appointed by the general court as <sup>Method of obtaining a license.</sup>



aforesaid shall refuse to be sworn as aforesaid, or being sworn shall grant any license for the office of an attorney to any person applying to them without producing such certificate as is herein before directed, or shall accept of or receive any greater fee or reward for the same than before mentioned, they shall respectively for every such offence forfeit and pay one hundred pounds; one moiety thereof to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, and the other moiety to him or them that will inform or sue for the same, to be recovered with costs by action of debt or information in any court of record within this colony.

III. And every person obtaining a license as aforesaid, before he shall be admitted to practise as an attorney in any county court, or other inferiour court, shall before every such court take the oaths appointed by law to be taken instead of the oaths of allegiance and supremacy, and take and subscribe the oath of abjuration, and subscribe the test, and shall also take the oath of an attorney as follows, to wit:

An Attorney's oath.

I A. B. do swear, that I will truly and honestly demean myself, in the practice of an attorney, according to the best of my knowledge and ability.

*So help me God.*

And if any person whatsoever shall presume to practise as an attorney in any such county court, or other inferiour court, without a license first obtained, or without qualifying himself in such court in the manner in this act before mentioned, he shall for every such offence forfeit and pay the sum of fifty pounds for every cause he shall prosecute or defend in any of the said courts; one moiety to his majesty, his heirs and successors, for defraying the contingent charges of this government, and the other moiety to the informer, to be recovered by action of debt or information in any county court or other inferiour court in this colony.

Who incapable of obtaining a license.

IV. *Provided always*, That no person that hath been, or hereafter shall be, convicted of any felonious crime or crimes, shall be capable to obtain such license; and where any person convicted of any felonious crime shall obtain a license, the judges of the general court, on proof thereof made to them, shall, by their order, supersede his license.

V. *And be it further enacted, by the authority aforesaid,* That if any attorney shall misdemean himself, and act contrary to his duty in his practise, the judges of the general court, on complaint and proof thereof made before them, may by their order supersede such attorney's license; but the said judges may, at any time afterwards, when they shall think fit, permit such attorney to practise again under his former license.

Where an attorney misbehaves.

VI. *Provided always, and it is hereby enacted and declared,* That this act, or any thing therein contained, so far only as relates to obtaining license, shall not be construed to extend to any barrister at law, or any attorney now practising in the general court, or any attorney who hath heretofore been examined and obtained a license, pursuant to the laws then in force, to practise the law.

Barrister, privileges of.

VII. *Provided also,* That nothing in this act contained shall be construed to hinder the justices of any county court, or other inferiour court, from causing any attorney practising in such courts to find security for their good behaviour, or fining such attornies for misdemeanours, or contempts against them, in the same manner as if this act had never been made.

Power of county courts over attornies.

VIII. *And be it further enacted,* That if any attorney in any county court, or other inferiour court, shall wittingly or willingly be guilty of any neglect in any cause, the court before whom such cause shall be depending, on complaint and proof thereof made within six months after such neglect, shall have power and authority to order such attorney to pay all costs occasioned by such neglect.

Where attornies are negligent, &c.

IX. *And to prevent frivolous suits in the general court, and trifling and vexatious appeals from the county courts and other inferiour courts, Be it further enacted by the authority aforesaid,* That no attorney practising in the general court of this colony, during the time of practising therein, shall be admitted or suffered to prosecute or defend any cause or other matter in any county court, or other inferiour court, depending; and if any such attorney shall presume to act contrary hereto, he shall for every cause he shall so prosecute or defend forfeit and pay the sum of twenty pounds, one moiety to the party against whom he shall prosecute or defend such cause, the other moiety

Attornies cannot practise both in the general court and county courts.



to the informer, to be recovered with costs by action of debt, bill, plaint or information, in any court of record in this dominion.

But may finish their causes in the county courts.

X. *Provided nevertheless*, That such attorney shall be at liberty to finish such cause in which he was before employed in any such courts, without incurring the penalties inflicted by this act: *Provided also*, That nothing herein contained shall be construed to extend to any barrister at law.

But two lawyers of a side.

XI. *And be it further enacted, by the authority aforesaid*, That the judges of the general court shall not permit or suffer more than two lawyers to argue on one side in any cause hereafter to be commenced, except in cases of life and death; and for preventing lawyers taking unreasonable and exorbitant fees, and for the more equal settlement of the same, *Be it further enacted by the authority aforesaid*, That the lawyers in this colony shall not demand, nor directly or indirectly, or by any device, way or means whatsoever, take or receive, before the suit or suits they are or shall be employed in shall be finally determined, any greater or other fees or rewards for the following services than what are herein particularly mentioned and expressed, that is to say: Lawyers practising in the general court may demand or receive for an opinion or advice, where no suit is or shall be brought and prosecuted or defended by the attorney giving such advice, but not otherwise, one pound one shilling and six-pence, and in any suit at common law, other than the actions herein after mentioned, fifty shillings; in all chancery suits, or real mixed or personal actions, where the title or bounds of lands shall or may come in question, five pounds; and lawyers practising in the county courts, or other inferiour courts, for services to be by them done in such courts, may demand for an opinion or advice, where no suit is or shall be brought and prosecuted or defended by the attorney giving such advice, but not otherwise, ten shillings; and in any suit at common law, other than the actions hereafter mentioned, or by petition, fifteen shillings; in all chancery suits, or real mixed or personal actions, where the title or bounds of land shall or may come in question, thirty shillings; on a petition for a small debt seven shillings and six-pence; and any lawyer for attending a survey in the country, for every day he shall attend, may demand one pound one shilling and

Fees of attornies.

six-pence, which last mentioned fee may be taxed in the bill of costs; and every lawyer exacting, taking, receiving or demanding, any greater fee or other reward for any of the above services, before he has performed the said services, or finished the said suits, shall forfeit and pay fifty pounds for every offence; one half to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, and the other half, to the informer, to be recovered by action of debt or information in any court of record within this colony.

XII. *And be it further enacted, by the authority aforesaid,* That no lawyer, in any suit to be brought for his fees or services, shall recover more than the fees above mentioned, notwithstanding any agreement, contract or obligation, made or entered into by the party against whom such suit shall be brought. Lawyers can not recover more than the fees established.

XIII. *And be it further enacted,* That all and every other act and acts, clause and clauses, for or concerning any matter or thing within the purview of this act, shall be, and they are hereby, repealed; and that this act shall continue and be in force for and during the term of five years, and from thence to the end of the next session of assembly. Repealing & continuing clause.

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## CHAP. IX.

### *An Act for appointing several new Ferries.*

I. WHEREAS it is represented to this present general assembly that publick ferries at the places hereafter mentioned will be of great advantage to travellers and others, *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That publick ferries be constantly kept at the following places, and the rates for passing the same shall be as follow; that is to say, from the land of Robert Harper, in the county of Frederick, over Potowmack river, to his land on the opposite side, in the province of Maryland, the price for a man New ferries established,

Rates, for  
man and  
horse.



three pence, three farthings, and for a horse the same; from the land of William Cabel, on the north side of the Fluvanna river, opposite to the lower point of Wood's-Island, in the county of Albemarle, to the land of the said Cabel, on the south side of the said river, at a place called Hughes's-Valley, the price for a man three pence, and for a horse the same; from the land of John Buchanan on the north side of James river, in the county of Augusta, to his land on the other side of the said river, the price for a man three pence, and for a horse the same; from the land of George Brooke, in the county of King and Queen, over Mattapony river, at a place commonly called Mantapike, to the land of William Frazier, in the county of King William, the price for a man sixpence, and for a horse the same; from the land of the said Frazier to the land of the said Brooke, the price for a man sixpence, and for a horse the same; from the land of John Read, over the western branch of Nansemond river, in the county of Nansemond, to the land of Jeremiah Godwin, the price for a man threepence, and for a horse the same; from the land of Samuel Jones, on the south side of Roanoke river, in the county of Lunenburg, to the land of Frederick Jones, on the north side of the said river, for a man threepence, and for a horse the same; from the land of William Fuqua, on the north side of Staunton river, in the said county, to the land of Walter Coles, on the opposite side of the said river, for a man three pence, and for a horse the same; from the land of Robert Cobbs, in the county of Halifax, on the south side of Staunton river, to the opposite landings, in the county of Lunenburg, for a man threepence, and for a horse the same; from the land of James Steward, in the county of Halifax, on the south side of Staunton river, to the land of Thomas Steward, on the opposite side of the said river, in the county of Lunenburg, for a man three pence, and for a horse the same; from the land of William Roberts, on the north side of Dan river, in the county of Halifax, to the land of Harry Gaines, on the opposite side of the said river, for a man threepence, and for a horse the same.

Rates for car-  
riages, cat-  
tle, &c.

II. And for the transportation of wheel carriages, tobacco, cattle, and other beasts, at any of the places aforesaid, the ferry keeper may demand and take the following rates; that is to say, for every coach, chariot or waggon, and the driver thereof, the same as

for six horses; for every cart or four wheel chaise, and the driver thereof, the same as for four horses; for every two wheel chaise or chair, the same as for two horses; for every hogshead of tobacco as for one horse; for every head of neat cattle as for one horse; for every sheep, goat or lamb, one fifth part of the ferriage of one horse; and for every hog one fourth part of the ferriage of one horse, according to the prices herein before settled at such ferries respectively, and no more.

III. And if any ferry keeper shall presume to demand and receive from any person or persons whatsoever any greater rate than is hereby allowed for the carriage or ferriage of any thing whatsoever, he or they for every such offence shall forfeit and pay to the party grieved the ferriages demanded and received, and ten shillings, to be recovered with costs before any justice of the peace of the county where such offence shall be committed.

Penalty for exceeding legal rates.

IV. And where a ferry is by this act appointed on one side of a river, and none on the other side answerable thereto, it shall be lawful for the respective county courts to appoint an opposite ferry, and to allow the respective rates herein before directed; and such courts shall and may, and are hereby required, to order and direct what boat or boats, and what number of hands, shall be kept at each ferry respectively; and every such ferry keeper shall enter into bond in the manner directed by an act of assembly made in the twenty-second year of the reign of his late majesty king George the second, entitled, An Act for the settlement and regulation of ferries, and for despatch of publick expresses. and shall be subject and liable to the penalties thereby inflicted for any neglect or omission of their duty.

County courts may establish opposite ferries.

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## CHAP. X.

### *An Act for taking special bail in the country on actions and suits in the general court.*

I. FOR the greater ease and benefit of all persons whatsoever in taking the recognizance of special bail on all actions and suits depending, or to be depending,

Commissioners in the country em-



powered to  
take special  
bail on suits  
in the gene-  
ral court

in the general court of this colony, *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the judges or justices of the general court of this colony shall and may, by order of the said court, from time to time, as need shall require, empower such and so many persons as they shall think fit and necessary in all and every the counties within this colony to take and receive all and every such recognizance or recognizances of bail as any person or persons shall be willing or desirous to acknowledge or make before any of the persons so empowered, in any action or suit depending or hereafter to be depending in the said general court, *de bene esse*, which recognizance shall be in the following words, to wit:

Form of re-  
cognizance.

*Memorandum,* That on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ E. F. of the county of \_\_\_\_\_ personally appeared before me, G. H. gent. one of the persons appointed by the honourable the general court for taking special bail within the said county of \_\_\_\_\_ and undertook for C. D. at the suit of A. B. in an action of \_\_\_\_\_ now depending in the said general court, that in case the said C. D. shall be cast in the said suit, he the said C. D. will pay and satisfy the condemnation of the court, or render his body to prison in execution for the same, or that he the said E. F. will do it for him.

Bail, how ex-  
cepted to.

Which said recognizance or recognizances of bail shall be transmitted by the person taking the same, before the next succeeding general court, to the clerk of the secretary's office, to be filed with the papers in such action or suit; and if the plaintiff, or his attorney, shall except to the sufficiency of the bail so taken notice of, such exception shall be given to the defendant or his attorney, at least ten days before the eighth day of the next succeeding court: And if the bail so taken shall be judged insufficient by the court, the recognizance thereof shall be discharged, and such proceedings shall or may be had against the defendant or defendants, as if no such bail had been taken; but if such bail shall be judged sufficient, or shall not be excepted to within the time aforesaid, then the same shall stand and be chargeable, to all intents and purposes, as if the recognizance had been taken in the court.

II. *And be it further enacted, by the authority afore said,* That the person taking such bail as aforesaid shall, at the same time, deliver to the person or persons acknowledging the recognizance aforementioned a bail piece in the form and words following, to wit:

County, sc.

C. D. of the parish of \_\_\_\_\_ in the county \_\_\_\_\_  
 aforesaid, is delivered to bail on a *Cepi Corpus* unto Form of bail piece.  
 E. F. of the parish and county aforesaid, at the suit  
 of A. B. the  
 day of \_\_\_\_\_ in the year of our Lord 17

## CHAP. XI.

*An Act to amend an act, entitled, An Act for reducing the several acts for licensing Pedlars and preventing frauds in the duties on skins and furs into one act.*

I. WHEREAS by one act of assembly made in the thirty-second year of the reign of his late majesty king George the second, entitled, *An Act for reducing the several acts for licensing pedlars and preventing frauds in the duties on skins and furs into one act*, it is among other things enacted that every collector of the said duties should, at the time of accounting for the same with the person or persons by his commission directed, return true lists of all licenses by him granted and bonds thereon taken, from time to time; which many collectors have hitherto neglected to do, and the fees arising from the said licenses by that means are seldom paid according to the intent of that act: For remedy whereof, for the future, *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That every collector granting such licenses shall, in the months of April and October annually, return on oath to the governor, or commander in chief of this colony, and to the president and masters of the college of William and



Mary for the time being, true lists of all licenses by him granted and bonds taken thereon, by virtue of the said in part recited act of assembly.

Penalty on  
collectors  
failing to re-  
turn lists of  
pedlars' li-  
censes.

II. And if any collector appointed, or to be appointed, in pursuance of the said act, shall refuse or neglect to render an account, and return such lists as aforesaid, he shall forfeit and pay the sum of twenty pounds for every such refusal or neglect, to be recovered in the same manner, and applied to the same uses, as recoveries on breach of bonds are by the said act directed to be.

## CHAP. XII.

### *An Act for establishing the town of Woodstock, in the county of Frederick.*

Town of  
Woodstock,  
in Frederick  
county esta-  
blished.

I. WHEREAS the establishing towns in the frontiers of this colony may be of great benefit to the inhabitants, by encouraging many of them to settle together, which will enable them the better to defend their lives and properties on any sudden incursion of an enemy, and will also promote trade and commerce; and whereas it hath been represented to this present General-Assembly that Jacob Miller, of the county of Frederick, hath laid off twelve hundred acres into streets and lots, ninety-six acres of which are divided into lots of half an acre each, and the residue into streets and lots of five acres each, and that several persons are now settled there, and many others would soon purchase and reside there if the same was by law erected into a town: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses of this present General-Assembly, and it is hereby enacted by the authority of the same, that the land so laid out by the said Jacob Miller, in the said county of Frederick, shall be, and the same is hereby, established a town, and shall be called and known by the name of Woodstock.*

II. *And be it further enacted, by the authority aforesaid, that Cornelius Riddel, John Skeen, Barr Harrison, Matthew Harrison, Joseph Langdon, Moses Stri-*

ker, Adam Yeaker, Jacob Miller and Peter Hainger, gentlemen, shall be, and they are hereby, nominated, constituted and appointed, directors and trustees for the said town; and the said trustees and directors, or any three of them, shall and may, and they are hereby authorized and empowered, to make from time to time such orders, rules and directions, for the regular and orderly building the houses in the said town as to them shall seem expedient, and also to settle all disputes and controversies concerning the bounds of the lots in the said town.

III. *And be it further enacted*, that as soon as the said lots shall be built on and saved, according to the conditions of the deeds of conveyance thereof, the freeholders and inhabitants thereof shall then be entitled to and have and enjoy all the rights, privileges and immunities, granted to and enjoyed by the freeholders and inhabitants of other towns erected by act of Assembly in this colony.

IV. *And be it further enacted, by the authority aforesaid*, that in case of the death, removal out of the country, or other legal disability of any one or more of the trustees and directors before-named, it shall and may be lawful for the surviving or remaining trustees to elect and choose so many other persons in the room of those so dead, removed or disabled, as shall make up the number of five; which trustees so chosen shall to all intents and purposes, be vested with the same power as any other in this act particularly and expressly nominated and appointed.

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### CHAP. XIII.

*An Act for establishing a town on the glebe land of Dale parish, in the county of Chesterfield, and appropriating part of the said land for publick landings.*

I. WHEREAS by one act of the General-Assembly made in the thirty third year of the reign of his late majesty king George the second, the vestry of the pa-

Town of  
Gatesville, in  
Chesterfield  
county esta-  
blished.



rish of Dale, in the county of Chesterfield, were empowered to sell the glebe-land of the said parish, and to purchase other land's more convenient for a glebe in lieu thereof; and it hath been represented to this General-Assembly that the said vestry have surveyed and laid out one hundred acres of the said glebe-land into lots and streets, according to a plan thereof made by the surveyor of the said county, recorded in the court of the said county, and have made sale of the said lots to divers persons, who intend to build and settle thereon.

II. And whereas it will greatly encourage the purchasers of the said lots to settle and improve the same, and encrease the trade there, if the said one hundred acres of land were erected into a town, and the freeholders and inhabitants thereof were entitled to the like privileges with the freeholders and inhabitants of other towns in this colony: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said one hundred acres of land, lying and being in the aforesaid county of Chesterfield, so as aforesaid laid off, be, and the same is hereby, constituted and appointed, erected and established, a town, in manner as it is laid out and described by the plan aforesaid, and to be called by the name of Gatesville, and that the freeholders of the said town shall for ever hereafter enjoy the same privileges which the freeholders of other towns in this colony erected by act of assembly enjoy.

III. *And be it further enacted, by the authority aforesaid,* That from and after the passing of this act, Archibald Cary, Richard Eppes, John Fleming, James Deans, Peter Johnson, William Fleming and Benjamin Watkins, gentlemen, be, and they and every of them are hereby, constituted directors and trustees for building, carrying on and maintaining, the said town; and they, or the major part of them, shall have power to meet, as often as they shall think necessary, for appointing a publick key, and such places on the river for publick landings as they shall think most convenient; and, if the same shall be necessary, shall direct the making of wharfs and cranes at such publick landings for the publick use.

IV. *And be it further enacted by the authority aforesaid,* That the said directors shall have full power and

authority to establish such rules and orders, for the more regular placing the said houses, as to them shall seem fit, from time to time; and if the inhabitants of the said town shall fail to obey and pursue the rules and orders of the said directors in repairing and amending the streets, landings and wharfs, they shall be liable to the same penalties as are inflicted for not repairing the highways in this colony.

V. And for continuing the succession of the said trustees and directors, until the said town shall be incorporated, *Be it further enacted by the authority aforesaid*, That in case of the death of any of the said directors, or their refusal to act, the surviving or other directors, or the major part of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing under their respective hands and seals, to nominate some other person or persons, being an inhabitant or freeholder of the said town, in the place of him or them so dying or refusing; which new director or directors, so nominated and appointed, shall from thenceforth have the like power and authority, in all things relating to the matters herein contained, as if he or they had been expressly named and appointed in and by this act; and every such instrument and nomination shall from time to time be entered and registered in the books of the said directors.

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#### CHAP. XIV.

*An Act to oblige the owners of mills, hedges or stone-stops, on sundry rivers therein mentioned, to make openings or slopes therein for the passage of fish.*

I. WHEREAS it hath been represented to this present general assembly by the inhabitants of the counties of Brunswick, Lunenburg, and Prince Edward, that they used formerly to be plentifully supplied with fish in the rivers Meherrin, Nottoway, and Appomattox, to their great relief and satisfaction, and that they are now deprived of that providential assistance by

Owners of  
mills on Me-  
herrin, Not-  
toway, and  
Appomattox  
rivers, com-  
pellable to  
make slopes  
through  
their dams.



several grist-mills, hedges, and stone stops, erected and raised in the said rivers, whereby the passage of fish up the same is entirely obstructed: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Bur-gesses, of this present General Assembly, and it is here-by enacted, by the authority of the same,* That the owner or proprietor of all and every mill, hedge or stone stop, now erected and raised on either of the rivers aforesaid, shall, in the space of nine months from and after the passing of this act, make an opening or slope in their respective mill-dams, hedges or stops, at least ten feet wide, sufficient for the passage of fish over the same.

II. And if any such owner or proprietor shall neglect or refuse so to do, within the time aforesaid, every such owner or proprietor shall forfeit and pay the sum of five pounds for every twenty-four hours he or they shall so neglect or refuse; one moiety to our lord the king, his heirs and successors, for the use of the poor of that parish where the offence shall be committed, and the other to the informer, to be recovered with costs, by action of debt or information, in any court of record within this colony and dominion.

III. *And be it further enacted, by the authority aforesaid,* That if any person or persons shall hereafter erect or raise any mill, hedge, or stone-stop, on either of the rivers above mentioned, every such person or persons shall leave the like opening or slope in the same as is herein before directed; and in case of neglect or failure shall be subject and liable to the same penalty and forfeiture as the owners or proprietors of mills, hedges or stone stops, already built and raised in the said rivers, are by this act subjected and made liable to; to be recovered and appropriated in the manner before mentioned.

## CHAP. XV.

*An Act to preserve the water for the use of the inhabitants of the town of Winchester and the limits thereof, by preventing hogs from running at large therein.*

I. WHEREAS by an act of assembly made in the twenty-fifth year of the reign of his late majesty king George the second, entitled, *An Act for establishing the town of Winchester and appointing Fairs therein*, a town was erected and established in the county of Frederick by the name of Winchester, which hath been since enlarged by another act of assembly made in the thirty-second year of his said late majesty's reign, and is now become a populous and flourishing town; and whereas the inhabitants of the said town of Winchester have represented to this present general assembly that the permitting hogs to run at large within the limits of the said town is very detrimental and injurious to them, and a publick nuisance, as such hogs destroy the springs and deprive the inhabitants of water for their ordinary use: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same.* That from and after the tenth day of October next, it shall not be lawful for any person or persons inhabiting within the said town to raise or keep any hogs within the limits thereof, or suffer the same to go at large within the said town; and if any hogs so raised and kept shall be found going or running at large within the limits of the said town, it shall and may be lawful for any person whatsoever to kill and destroy the same.

II. *Provided nevertheless,* That such person shall not convert any hog so killed to his or her own use, but shall leave the same in the place where it shall be so killed, and give immediate notice to the owner thereof, if known; and if not, then to the next justice of the peace, who may order the same to the use of any poor person or persons he shall think fit.

III. *Provided also,* That nothing in this act contained shall be construed to hinder any person from



driving hogs to or through the said town, or the limits thereof, in order to sell or kill the same, or in their removal from one plantation to another.

IV. *Provided always*, That the execution of this act shall be, and the same is hereby, suspended, until his majesty's approbation thereof shall be obtained.

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## CHAP. XVI.

### *An Act to amend an act, entitled, An Act for the better preservation of the breed of Deer, and preventing unlawful hunting.*

#### Preamble.

I. WHEREAS the act of assembly made in the twelfth year of the reign of his late majesty king George the second, of happy and glorious memory, entitled, An Act for the better preservation of the breed of Deer, and preventing unlawful hunting, hath been found very beneficial, but not fully to answer the purposes thereof, as many disorderly persons make a practice of killing them in the frontiers merely for the sake of the skins, which they clandestinely carry out of this colony, without paying the duty imposed thereon, leaving the flesh to rot in the woods, whereby wolves and other noxious beasts are nourished, to the destruction of the stocks of cattle, sheep and hogs, of the upper inhabitants: For remedy whereof, *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and

Penalty for killing deer, and suffering the flesh to remain in the woods to rot, or be devoured by wild beasts.

after the passing of this act if any person whatsoever shall shoot or kill any deer, and after taking off the skin shall leave the flesh in the woods to rot or be devoured by beasts, every person so offending shall forfeit and pay the sum of twenty-five shillings for every deer so killed, skinned and left, in the woods; to be recovered with costs, before a justice of the peace, where the penalty complained for at one time does not exceed fifty shillings; and where it shall exceed that sum, to be recovered with costs, by action of debt, in any court of record wherein the same shall be cogni-

zable; and shall be divided, one half to and for the use of the parish where the offence shall be committed, and the other moiety to the informer.

II. And if any person convicted of the offence aforesaid shall not immediately pay down the penalty, according to the judgment of such court or justice, or give security for the payment thereof within six months thereafter, such court or justice shall order such person to receive on his bare back five lashes well laid on for every twenty-five shillings he shall be so condemned to pay, and he shall be thereon discharged from paying the money aforesaid.

## CHAP. XVII.

### *An Act for dividing the parish of Cumberland, in the county of Lunenburg, and for other purposes therein mentioned.*

I. WHEREAS the parish of Cumberland, in the county of Lunenburg, by reason of the great extent thereof, is very inconvenient to the inhabitants, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of May next the said parish shall be divided into two distinct parishes, by the south branch of Meherrin river, from the line of the parish of Cornwall to the confluence of the several branches of the said river Meherrin, and by the said river from thence to the line of Brunswick county; and that all that part of the said parish that is north of the said river Meherrin and its several branches shall be one distinct parish, and retain the name of Cumberland; and that all that other part of the said parish that lies south of the said river Meherrin shall be one other distinct parish, and shall be called and known by the name of St. James.*

Parish of Cumberland in Lunenburg county divided.

Parish of St. James formed.

II. *And be it further enacted, by the authority aforesaid, That the freeholders and housekeepers of the said parishes of Cumberland and St. James, respect-*



ively, shall meet at some convenient time and place to be appointed and publickly advertised by the sheriff of the said county of Lunenburg, at least one month before the first day of July next, and then and there elect twelve of the most able and discreet persons of their respective parishes to be vestrymen in each of the said parishes; which vestrymen so elected, having in the court of the said county of Lunenburg taken and subscribed the oaths appointed to be taken by act of parliament instead of the oaths of allegiance and supremacy, and taken and subscribed the oath of abjuration and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be the vestrymen of the said parishes, respectively.

III. *Provided always*, That nothing herein contained shall be construed to hinder the collector or collectors of the said parish of Cumberland, as the same now stands entire and undivided, from collecting or making distress for any parish levies which shall remain unpaid by the inhabitants of the said parish of St. James at the time the said division shall take place; but such collector or collectors shall have the same power to collect and distrain for the said levies, and shall be answerable for them in the same manner, as if this act had never been made, any law, usage or custom, to the contrary thereof in any wise notwithstanding.

Glebe land of Cumberland parish to be sold, & the money divided between the parishes of Cumberland, Cornwall, & St. James.

IV. And whereas the glebe land of the said parish of Cumberland will not be convenient for either parish after the said division shall take place, which glebe land belonged to the said parish of Cumberland before the parish of Cornwall was divided therefrom, *Be it further enacted by the authority aforesaid*, that the said glebe land be, and the same is hereby, vested in the vestry of the said parish of Cumberland to be elected pursuant to this act, and in the vestry of the said parish for the time being, in trust: *Nevertheless*, that the said vestry, or the greater part of them, shall, by deed of bargain and sale, sell and convey the said glebe, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same; to hold to such purchaser or purchasers in fee-simple, saving to the king's most excellent majesty, his heirs and successors, and

to all and every other person and persons, bodies politick and corporate, their respective heirs and successors, other than the minister and vestry of the said parish of Cumberland, all such right, title, interest, claim and demand, as they, every, or any of them, should or might have had or claimed, if this act had never been made.

V. *And be it further enacted*, That when the said vestry shall have received such purchase money, they shall pay to the vestry of the parish of Cornwall, in the said county, for the use of the said parish, such part thereof as their proportion would have amounted to at the time the said parish was divided from the parish of Cumberland, in case the said glebe had been then sold; and that the residue of the said purchase money shall be divided between, and applied to the use of, the said parishes of Cumberland and St. James respectively, in proportion to the number of tithables in each parish.

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## CHAP. XVIII.

### *An Act for altering the court days of the Counties of Bedford and Sussex.*

WHEREAS it is represented to this present general assembly that the court days of the counties of Bedford and Sussex, as the same are now settled, are found to be very inconvenient, as well to the inhabitants of the said counties as to others, who are obliged to attend business at those courts: Therefore, for rendering the same more convenient, *Be it enacted by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same.* That from and after the first day of May next, the court of the said county of Bedford shall be constantly held on the fourth Tuesday, and the court of the said county of Sussex on the third Thursday, in every month; any law, custom or usage, to the contrary notwithstanding.

Court days  
of Bedford  
and Sussex  
altered.



## CHAP. XIX.

*An Act for dividing the parish of Elizabeth river, in the County of Norfolk, into three distinct parishes; for dissolving the vestry of the said parish, and for other purposes therein mentioned.*

Parish of Elizabeth river, in Norfolk county divided.

I. WHEREAS the parish of Elizabeth river, in the county of Norfolk, by reason of the great extent thereof, is very inconvenient to the inhabitants, who have petitioned this present general assembly that the same may be divided into three distinct parishes, *Be it therefore enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same.* That from and after the first day of May next all that part of the said parish lying to the northward and eastward of Elizabeth river and the eastern branch thereof shall be one distinct parish, and retain the name of Elizabeth River; and that all that part of the said parish lying between the eastern and southern branches of the said river, running up New Mill creek to Rottery's mill, thence south thirty degrees west to the great dismal swamp, as far as the line dividing this colony from North Carolina, and then down the said line to the line of Princess Anne county, thence along the last mentioned line to the eastern branch of Elizabeth river, shall be one other distinct parish, and shall be called and known by the name of St. Bride's; and that the remaining part of the said parish shall be one other distinct parish, and shall be called and known by the name of Portsmouth,

St. Bride's and Portsmouth parishes formed.

Vestry of Elizabeth river parish dissolved.

II. And whereas the vestry of the said parish of Elizabeth River have been guilty of some illegal practices, oppressive to the inhabitants thereof, who have petitioned this present general assembly that the said vestry may be dissolved, *Be it therefore further enacted, by the authority aforesaid.* That from and after the first day of May next the aforesaid vestry be, and the same is hereby, dissolved; and that all and every act and acts, thing and things, which at at any time after the said first day of May next shall or may be done, performed or suffered, by the said vestry of the said

parish, shall be absolutely void and of none effect.

III. *And be it further enacted, by the authority afore-* New vestries  
elected.  
*said,* That the freeholders and housekeepers of the said parishes of Elizabeth River and St. Bride's, and Portsmouth, respectively, shall meet at some convenient time and place, to be appointed and publickly advertised by the sheriff of the said county of Norfolk, at least one month before the eighth day of June next following, and then and there elect twelve of the most able and discreet persons of their respective parishes to be vestrymen thereof, who having, in the court of the said county, taken and subscribed the oaths appointed to be taken by act of parliament instead of the oaths of allegiance and supremacy, and taken and subscribed the oath of abjuration and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be the vestrymen of the said parishes, respectively.

IV. *Provided always,* That nothing herein contained shall be construed to hinder the collector or collectors of the said parish of Elizabeth river, as the same now stands entire and undivided, from collecting and making distress for any parish levies which shall remain unpaid by the inhabitants of the said parishes of St. Bride's and Portsmouth, at the time the said division shall take place; but such collector or collectors shall have the same power to collect and distrain for the said levies, and shall be answerable for them in the same manner, as if this act had never been made, any law, usage or custom, to the contrary thereof in any wise notwithstanding.

V. *And be it further enacted, by the authority afore-* Glebe lands  
of Elizabeth-  
River parish  
to be sold &  
the money  
divided be-  
tween the  
three parish-  
es,  
*said,* That the glebe land of the said parish of Elizabeth River, as the same now stands entire and undivided, with the appurtenances, be, and the same is hereby, vested in the vestry of the said parish of St. Bride's, to be elected in pursuance of this act, and in the vestry of the said parish for the time being, in trust: *Nevertheless,* That the said vestry, or the greater part of them, shall, by deed or deeds of bargain and sale, sell and convey the said glebe land, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same; to hold to such purchaser or purchassrs, his and their heirs and assigns, for ever.



VI. *And be it further enacted, by the authority aforesaid,* That the vestry of the said parish of St. Bride's, after they have received the purchase money for which the said glebe shall be sold, shall divide the money arising from the sale thereof between the said three parishes, in proportion to the number of tithables in each respective parish, and shall pay and deliver such proportionable part of the said money to the vestries of the said parishes of Elizabeth River and Portsmouth, to be by the vestries of the said parishes applied towards purchasing glebes for their respective parishes, for the use and benefit of their ministers for the time being, for ever.

Lands and slaves devised by Matthew Godfrey, for use of the poor of Norfolk county, how appropriated,

VII. And whereas Matthew Godfrey, formerly of the said county of Norfolk, did, by his last will and testament, bearing date the thirteenth day of March, one thousand seven hundred and fifteen-sixteen, amongst other things, give to the poor of the said county of Norfolk one hundred acres of land, or thereabouts, together with sundry slaves, to be let out from year to year for the good of the poor of the said county, as the vestry of the parish in the said county should see good and most profitable; and whereas the present vestry of the said parish have, in pursuance of a late act of assembly, built a house for the reception and use of the poor of the said parish on the said land, and it is reasonable that the profits of the said land and slaves should be equally distributed amongst the poor of the several parishes hereby erected: *Be it therefore enacted by the authority aforesaid,* That the said lands and slaves; and the increase of the said slaves, shall be, and the same are hereby, vested in the justices of the said county of Norfolk for the time being, and their successors, in trust: *Nevertheless,* that the said justices and their successors shall let and hire out the said lands, together with the said house or houses built thereon, and also the said slaves and their increase, annually, for the best price that can be got for the same, and shall once a year, in the month of May, equally divide the rents and profits thereof between the said three parishes, in proportion to the number of tithables in each respective parish; and shall pay and deliver such proportionable part of the said rents and profits as aforesaid to the vestries of the said parishes, respectively, to be by them applied for and towards the support and maintenance of the poor of their respective parishes.

VIII. And whereas the vestry of the said parish of Elizabeth River have heretofore levied a considerable sum of money on the inhabitants of the said parish for building walls round the grounds set apart for church yards in the said parish, *Be it therefore further enacted by the authority aforesaid,* That the vestry of the said parish of Elizabeth River to be elected pursuant to this act shall divide the money levied and collected, or to be collected for the purposes aforesaid, between the three parishes aforesaid, in proportion to the number of tithables in each respective parish; and shall, on or before the first day of October next, pay and deliver to the vestries of the said parishes of St. Bride's and Portsmouth their proportionable part of the same, to be by them laid out and applied for and towards the building churches, and such other publick uses, for their respective parishes, as they shall think proper.

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## CHAP. XX.

*An Act for dividing the counties of Albemarle and Louisa, and parish of St. Anne, and for other purposes therein mentioned.*

I. WHEREAS many inconveniencies attend the inhabitants of the county of Albemarle, by reason of the great extent thereof, and their remote situation from the court house, and the said inhabitants have petitioned this present general assembly that the said county may be divided into three distinct counties; and it hath been represented that, in case of such division, it will be convenient that part of the county of Louisa should be added to one of the said counties, *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the first day of May next the said county of Albemarle shall be divided into three distinct counties; that is to say, all that part of the said county which lies on the south side of the Fluvanna

Albemarle county divided, and Buckingham and Amherst formed.



river shall be one distinct county, and called and known by the name of Buckingham; and that all that other part of the said county which lies on the north side of the Fluvanna river shall be divided, from the confluence of Rockfish river with the Fluvanna, by Rockfish river to the mouth of Green creek, and thence a straight line to the house of Thomas Bell to the Blue mountains; and that all that part which lies above Rockfish river, and the line aforesaid, shall be another distinct county, and shall be called and known by the name of Amherst; and that all that other part of the said county that lies below Rockfish river and the said line, together with that part of the county of Louisa that lies above a line to be run from the present line, between the said counties of Albemarle and Louisa, beginning on the ridge between Machumps creek and Bever Dam swamp, thence along the said ridge until the line may be intersected by an east course from the widow Cobb's plantation, and from such intersection a direct course to the line of Orange county, opposite to the plantation of Ambrose Coleman, shall be one other distinct county, and retain the name of Albemarle.

Part of Louisa county added to Albemarle.

Court days.

II. And for the due administration of justice in the said counties of Buckingham and Amherst, after the same shall take place. *Be it further enacted by the authority aforesaid,* That after the said first day of May next a court for the said county of Buckingham shall be constantly held by the justices thereof on the second Monday in every month, and for the said county of Amherst on the first Monday in every month, in such manner as by the laws of this colony is provided, and shall be by their commission directed.

III. *Provided always,* That nothing herein contained shall be construed to hinder the sheriffs or collectors of the said counties of Albemarle and Louisa, as the same now stands entire and undivided, from collecting or making distress for any publick dues or officers fees which shall remain unpaid by the inhabitants of the said counties of Buckingham and Amherst, at the time of their taking place; but such sheriffs or collectors shall have the same power to collect and distrain for the said dues and fees, and shall be answerable for them in the same manner, as if this act had never been made, any law, usage or custom, to the contrary thereof in any wise notwithstanding.

IV. *And be it further enacted*, That the courts of the said counties of Albemarle and Louisa shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them, respectively, at the time the said division shall take place, and shall and may try and determine all such actions and suits, and issue process, and award execution against the body and estate of the defendant or defendants, in any such action or suit, in the same manner as if this act had never been made; any law, usage or custom, to the contrary thereof notwithstanding.

V. And whereas the inhabitants of the parish of St. Anne, in the said county of Albemarle, have represented to this present general assembly, that they are under great inconveniences, and subject to the greatest difficulties in attending divine service, by means of the great extent of the said parish, and have prayed that the same may be divided: *Be it therefore further enacted by the authority aforesaid*, That from and after the first day of May next the said parish shall be divided into two distinct parishes, in the following manner, that is to say, by Rockfish river to the mouth of Green creek, and thence a straight line by the house of Thomas Bell to the Blue mountains; and that all that part of the said parish that lies above the said river and line shall be one distinct parish, and shall be called and known by the name of Amherst; and that all that other part of the said parish that lies below the said river and line shall be one other distinct parish, and retain the name of St. Anne.

Parish of St. Anne divided, and Amherst parish formed.

VI. *And be it further enacted*, That the freeholders and housekeepers of the said parishes of St. Anne and Amherst, respectively, shall meet at some convenient time and place, to be appointed and publickly advertised by the sheriff of the said county of Albemarle, at least one month before the fifteenth day of June next, and then and there elect twelve of the most able and discreet persons of their respective parishes for vestrymen thereof; which vestrymen so elected having, in the court of the said county of Albemarle, taken and subscribed the oaths appointed to be taken by act of parliament instead of the oaths of allegiance and supremacy, and taken and subscribed the oath of abjuration and repeated and subscribed the test, and subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents



and purposes, be deemed and taken to be the vestrymen of the said parishes, respectively.

VII. *Provided always*, That nothing herein contained shall be construed to hinder the collector or collectors of the said parish of St. Anne, as the same now stands entire and undivided, from collecting or making distress for any parish levies which shall remain unpaid by the inhabitants of the said parish of Amherst, at the time the said division shall take place; but such collector or collectors shall have the same power to collect and distrain for the said levies, and shall be answerable for them in the same manner, as if this act had never been made, any law, usage or custom, to the contrary thereof notwithstanding.

Glebe land of St. Anne's parish to be sold, and the money divided between the parishes of St. Anne, Tillotson & Amherst.

VIII. And whereas, on the division of the said parish of St. Anne, the present glebe and the buildings thereon will all remain in that part of the said parish that retains the name of St. Anne, which glebe and buildings did belong to the said parish of St. Anne before the parish of Tillotson was divided therefrom, *Be it therefore further enacted*, That the said glebe land, with the improvements, shall be, and the same is hereby, vested in the churchwardens of the said parish of St. Anne and their successors, in trust, that they shall sell and convey the same for a valuable consideration, to be, *bona fide*, received to any persons willing to become purchasers thereof, to hold to such purchaser or purchasers in fee-simple; saving to the kings most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successors, other than the ministers and vestries of the said parishes of St. Anne and Tillotson, all such right, title, interest, claim and demand, as they, every, or any of them, should or might have had or claimed to the said glebe land, if this act had never been made.

IX. *And be it further enacted*, That when the said churchwardens shall have received such purchase money, they shall pay to the vestry of the said parish of Tillotson, for the use of the said parish, such part thereof as their proportion would have amounted to at the time the said parish was divided from the parish of St. Anne, in case the said glebe land had been sold; and that the residue of the said purchase money shall be divided between, and applied to the use of, the said parishes of St. Anne and Amherst, respectively, in proportion to the number of tithables in each parish.

X. And whereas it is represented that Allan Howard, gentleman, hath erected a mill on Rockfish river, in the said county, the dam whereof hath entirely obstructed the passage of fish up the said river, to the great loss and prejudice of the inhabitants on the same, *Be it therefore further enacted by the authority aforesaid,* That the said Allan Howard shall, within two months from and after the passing of this act, pull down and destroy his said mill and mill house; and that if he shall neglect or refuse so to do, within the time aforesaid, he shall forfeit and pay the sum of one thousand pounds of tobacco, to be recovered by action of debt or information in any court of record within this colony, and appropriated to the use of the poor of the said parish of Amherst.

Allan Howard's mill, on Rockfish river to be pulled down.

XI. *And be it further enacted,* That from and after the passing of this act it shall not be lawful for any person or persons whatsoever to erect any mill, or raise any dam, hedge or stops, on the said river, below the forks thereof, near Samuel Morril's; and if any person shall presume to offend herein, he shall forfeit and pay the like penalty of one thousand pounds of tobacco, to be recovered and appropriated as aforesaid: And, moreover, it shall and may be lawful to and for any person or persons whatsoever to pull down, take up, and destroy, any such mill, mill-dam, hedge or stop, without being subject or liable to any action or penalty for so doing.

No mill to be erected on Rockfish river below the forks.

XII. *And be it further enacted, by the authority aforesaid,* That out of every hundred pounds of tobacco which shall be paid in discharge of quitrents, secretary's, clerks, sheriffs, surveyors, or other officers fees, in the said counties of Buckingham and Amherst, and so proportionably for a greater or lesser quantity, the person paying the same shall and may retain in his hands thirty pounds of tobacco, as an allowance for making the same convenient.

Abatement on public dues, and officers' fees, paid in Buckingham and Amherst.



## CHAP. XXI.

*An Act for further enlarging the town of Dumfries, in the county of Prince-William.*

Town of  
Dumfries in  
Prince Wil-  
liam county,  
enlarged.

**I. WHEREAS** by an act of assembly made in the twenty-second year of the reign of his late majesty king George the second, entitled, An Act for erecting a town in the county of Prince William, a town was established on Quantico creek in the said county, by the name of Dumfries, which daily increases; and whereas the inhabitants of the said town, with the consent and approbation of Bertrand Ewell, Allan Macrae and William Carr, gentlemen, the proprietors of the lands adjacent thereto, have made their humble petition to this present general assembly that a certain quantity of the said adjacent lands may be added to and made part of the said town of Dumfries, and that the purchasers of the lots to be laid off thereon may enjoy the same privileges and advantages as the freeholders and inhabitants of the said town do at present enjoy: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That so much of the said adjacent lands as are included within the bounds herein after described shall be vested in the trustees of the said town and their successors for the time being, and shall be added to and made part of the said town of Dumfries, to wit: beginning at a corner on the back line of the said town denoted in the original survey and plan thereof, recorded in the books of the trustees of the said town by the letter G; thence within a line to be run north sixty-seven and a half degrees east two hundred poles, thence south twenty-two and a half degrees east one hundred poles, thence south sixty-seven and a half degrees west to Quantico creek, thence up the said creek according to the meanders thereof to the beginning, laid down in the said original plan and survey.

**II. And be it further enacted,** That the directors and trustees of the said town shall have full power and authority to direct the surveyor of the said county of Prince William to lay off the said additional land into

streets and lots, as they shall think fit; and that the freeholders and inhabitants thereof, so soon as the same shall be built on and saved in the same manner as the lots in the said town were directed to be built on and saved by the above mentioned act of assembly establishing the same, shall then be entitled to, and have and enjoy, all the rights, privileges and immunities, granted to or enjoyed by the freeholders and inhabitants of the said town.

III. And whereas part of the said adjacent lands are leased out by Bertrand Ewell, one of the said proprietors, to William Carr, Richard Graham, Robert Scott and John Murry, who have made considerable improvements thereon, and the adding the said lands to the said town may be a prejudice to the said lessees, all of whom nevertheless (except the said John Murry, together with the said Bertrand Ewell) have consented that their said leases shall be cancelled, provided satisfaction be made them for their said improvements; and whereas the publick warehouses for the inspection of tobacco, called Quantico warehouses, are established on part of the said lands belonging to the said Bertrand Ewell hereby proposed to be added to the said town, and it is reasonable that the benefit of the said warehouses, so long as they continue there, should be reserved to him: *Be it therefore further enacted by the authority aforesaid,* That the said leases so made by the said Bertrand Ewell to the said William Carr, Richard Graham and Robert Scott, shall be. and the same are hereby, declared null and void; and the said trustees, or the trustees for the said town for the time being, or any two of them, shall have full power and authority to sell all the said additional lots when laid off (except such of them as shall happen to be on the lands leased by the said John Murry, and also except such of the said lots whereon the said warehouses for the inspection of tobacco shall happen to stand) at publick auction, from time time, to the highest bidder, so as that no person shall have more than four lots; and when such lots shall be sold, the said trustees, or any two or more of them, shall and may, on payment of the purchase money, by some sufficient conveyance or conveyances convey the fee-simple estate of such lot or lots to the purchaser or purchasers; and he or they, and his or their heirs and assigns respectively, shall and may for ever thereafter peaceably and qui-

Provision for  
Wm Carr,  
Richard Gra-  
ham, & Ro-  
bert Scott,  
lessees of  
Bertrand  
Ewell.

Exception  
as to land  
leased by  
John Murry,  
and Quantico  
warehouse.



etly have, hold, possess and enjoy, the same, freed and discharged of and from all right, title, estate, claim, interest and demand, whatsoever, of the said Bertrand Ewell, Allan Macrae and William Carr, their heirs and assigns, and of all persons whatsoever claiming by, from, or under them, or any or either of them.

IV. *Provided nevertheless*, That the said trustees shall pay to the said William Carr, Richard Graham and Robert Scott, out of the money arising from the sale of the said improved lots, so much money as they or any five of them shall judge to be the value of the said improvements, and the overplus to the said Bertrand Ewell.

V. *And be it further enacted, by the authority aforesaid*, That the said Bertrand Ewell shall remain seized of the same estate, of and in the lots so to be laid off, whereon the warehouses aforesaid shall happen to stand; and the said John Murry shall and may hold and enjoy the same estate, in all and singular the lands he is now in possession of by virtue of the lease to him made by the said Bertrand Ewell, notwithstanding the same shall be divided and laid off into lots and streets as aforesaid, in the same manner as if this act had never been made.

Recital.

VI. And whereas by another act of assembly made in the thirty-second year of the reign of his said late majesty, entitled, An Act for enlarging the town of Fredericksburg & Winchester, the city of Williamsburg & town of Dumfries, reciting amongst other things that James Douglas and Martin Hardin had laid out about three acres of their land in the county of Prince William, adjoining to the town of Dumfries, into lots, and that it was represented to that assembly that it would be advantageous to the said town to take the said lots into the limits thereof, it was therefore enacted that the said land laid out as aforesaid by the said James Douglas and Martin Hardin into lots, so soon as the same should be built on and saved in the same manner as the lots in the said town were directed to be built on and saved by the act of assembly establishing the same, should be added to and made part of the said town of Dumfries, and the freeholders and inhabitants thereof should then be entitled to, and have and enjoy, all the rights, privileges and immunities, granted to or enjoyed by the freeholders and inhabitants of the said town.

**VII.** But forasmuch as the said three acres of land, by the said act taken into the limits of the said town, were not vested in the trustees thereof, nor properly laid off into lots and streets for the common advantage of the inhabitants of the said town, for which reason no person is willing to purchase the same: *Be it therefore further enacted by the authority aforesaid,* That the said lands so taken into the limits of the said town by the said last in part recited act of assembly shall be, and the same are hereby, vested in the trustees of the said town and their successors for the time being, who are hereby empowered to cause the said surveyor of [the county of Prince William to lay off the same into streets and lots as they shall think fit, and shall dispose of and convey the same in the same manner as they are by this act empowered to dispose of the other lands hereby added to the said town of Dumfries, and shall pay the money arising from such sale to the proprietors of the said lands respectively; and the freeholders and inhabitants thereof shall, on their building on and saving the said lots in manner herein before directed, have and enjoy the same rights, privileges and immunities, with the other inhabitants of the said town.

Three acres  
of land of  
James Dou-  
glas & Mar-  
tin Hardin  
formerly ad-  
ded to the  
town of  
Dumfries,  
vested in the  
trustees.

**VIII.** And whereas the trustees nominated and appointed in and by the said former act of assembly, for establishing the said town of Dumfries, have neglected and refused to act as such, and it is therefore necessary that new trustees should be appointed: *Be it therefore further enacted by the authority aforesaid,* That from and after the passing of this act the honourable John Tayloe, esq. Presley Thornton, John Champe, Richard Henry Lee, Richard Lee, Henry Lee, Henry Peyton, John Moncure, James Scott, Allan Macrae, John Baylis, James Douglas, Faushee Tebbs, Thomas Lawson and William Carr, gentlemen, be, and they are hereby, constituted and appointed trustees for the said town of Dumfries, in the room of the trustees named in the said former act, and shall be vested with the like powers and authority as the said trustees named in the said former act for establishing the said town, were by the said act invested with; and the said trustees, or any eight of them, shall and may, and they are hereby empowered to lay off and assign, such and so many of the unimproved and unsold lots of the said town into a square for a market place, and also



for a common, for the use and benefit of the inhabitants of the said town, as they shall think most convenient.

IX. And for continuing the succession of the said trustees, *Be it further enacted by the authority aforesaid*, That in case of the death of any of them the said trustees, or their refusal to act, the surviving or other trustees, or the major part of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing under their respective hands and seals, to nominate some other person or persons in the room of him or them so dying or refusing; which new director or directors, so nominated and appointed, shall from thenceforth have the like power and authority in all things relating to the matters herein contained, as if he or they had been expressly named and appointed in and by this act, and every such instrument and nomination shall from time to time be entered and registered in the books of the said directors.

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## CHAP. XXII.

*An Act for dividing the parish of Fredericksville, in the county of Louisa. and for directing the election of vestrymen for the parish of Hampshire, in the county of Hampshire.*

Parish of  
Fredericks-  
ville in Lou-  
isa county  
divided.

I. WHEREAS the parish of Fredericksville, in the county of Louisa, by reason of the great extent thereof, is very inconvenient to the inhabitants. *Be it therefore enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same.* That from and after the first day of January next the said parish of Fredericksville shall be divided into two distinct parishes, that is to say, all that part thereof lying above a line to be run from the end of the line that now divides the said parish from the parish of St. Anne to Gibson's ford, on the south fork of Pamunkey, and

thence another line to the confluence of Negro run with the north fork of Pamunkey river, shall be one distinct parish, and retain the name of Fredericksville; and all that other part thereof below the said lines shall be one other distinct parish, and shall be called and known by the name of Trinity.

II. *And be it further enacted, by the authority aforesaid,* That the freeholders and housekeepers of the said parishes of Fredericksville and Trinity, respectively, shall meet at some convenient time and place, to be appointed and publickly advertised by the sheriff of the said county of Louisa, at least one month before the twelfth day of February next following, and then and there elect twelve of the most able and discreet persons of their respective parishes to be vestrymen thereof; which vestrymen so elected, having in the court of the said county taken and subscribed the oaths appointed to be taken instead of the oaths of allegiance and supremacy, and taken and subscribed the oath of abjuration and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be vestrymen of the said parishes, respectively.

III. *Provided always,* That nothing herein contained shall be construed to hinder the collector or collectors of the said parish of Fredericksville, as the same now stands entire and undivided, from collecting and making distress for any parish levies which shall remain unpaid by the inhabitants of the said parish of Trinity, at the time the said division shall take place; but such collector or collectors shall have the same power to collect and distrain for the said levies, and shall be answerable for them in the same manner, as if this act had never been made, any law, usage or custom, to the contrary thereof in any wise notwithstanding.

IV. And whereas the present glebe of the said parish will be very convenient for the parish of Fredericksville, after such division shall take place, and is agreed to be of the value of four hundred pounds current money: *Be it therefore further enacted by the authority aforesaid,* That the glebe aforesaid shall remain and be as and for a glebe for the use of the minister of the said parish of Fredericksville; and that in lieu

Trinity parish formed.

Parish of Fredericksville to pay a certain sum to parish of Trinity, for the glebe.



thereof the vestry of the said parish shall levy on the tithables thereof, after the division shall take place, the sum of two hundred pounds current money, and pay the same to the vestry of the said parish of Trinity, to be by them applied towards purchasing a glebe for the use of the minister thereof.

Vestrymen  
for parish of  
Hampshire,  
in county of  
Hampshire  
to be elected

V. And whereas by one act of the general assembly made in the twenty-seventh year of his late majesty's reign, entitled, An Act for adding a part of the county and parish of Augusta to the county of Frederick, and for dividing the parish and county of Frederick, and the part of Augusta to be added thereto, into two new counties and parishes, it was, amongst other things, enacted that the freeholders and housekeepers of the parish of Hampshire should meet at some convenient time and place, to be appointed and publickly advertised at least one month before by the sheriff of the said county of Hampshire, before the first day of July one thousand seven hundred and fifty-six, and then and there elect twelve of the most able and discreet persons of the said parish to be vestrymen thereof: And whereas it hath been represented to the general assembly that the election of vestrymen, according to the directions of the said act, was prevented by the invasion of the French and their Indian allies, *Be it therefore enacted by the authority aforesaid,* That the freeholders and housekeepers of the said parish of Hampshire shall meet at some convenient time and place, to be appointed and publickly advertised by the sheriff of the said county of Hampshire, at least one month before the first day of August next, and then and there elect twelve of the most able and discreet persons of the said parish to be vestrymen thereof, which said persons so elected, having in the court of the said county of Hampshire taken and subscribed the oaths appointed to be taken by one act of parliament, made in the first year of the reign of his late majesty king George the first, entitled, An Act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration and repeated and subscribed the test, and also subscribed to be conformable to the doc-

trine and discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be vestrymen of the said parish.

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CHAP. XXIII.

*An Act for appointing new directors and trustees for the town of Leeds, in the county of King George, and for other purposes therein mentioned.*

I. WHEREAS by an act of the general assembly, made in the fifteenth year of the reign of his late majesty king George the second, entitled, *An Act for erecting a town at Bray's church, in the county of King George, sixty five acres of land therein mentioned, and directed to be laid out into lots and streets for a town, were vested in certain persons therein named, and their successors, who were constituted and appointed directors and trustees for designing, building, carrying on and maintaining, a town called Leeds, on the land aforesaid, and were vested with certain powers for that purpose, as in the said act are particularly expressed: And whereas most of the directors and trustees named in the said act are since dead, by means whereof several of the lots in the said town still remain unsold, and it is therefore necessary that new directors and trustees should be appointed, Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the honourable Philip Ludwell Lee and John Tayloe, esquires, Presley Thornton, Richard Henry Lee, Charles Carter, junior, of King George, Thomas Jett, John Orr and Thomas Hodge, gentlemen, shall be, and they are hereby, nominated, constituted, and appointed, directors and trustees for the said town of Leeds; and the said directors and trustees shall be, and they are hereby, vested with the same powers and authority for carrying on and maintaining the said town of Leeds*

New directors and trustees, for the town of Leeds to be appointed.



as were granted to the directors and trustees of the said town by the said in part recited act of assembly.

II. And for continuing the succession of the said directors and trustees, *Be it further enacted by the authority aforesaid,* That in case of the death of any of the said directors and trustees, or their refusal to act, the surviving or other directors and trustees, or the major part of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing under their respective hands and seals, to nominate some other person or persons in the place of him or them so dying or refusing; which new director or trustees, so nominated and appointed, shall have the like power and authority, in all things relating to the matters herein contained, as if he or they had been expressly named and appointed in and by this act; and every such instrument and nomination, shall, from time to time, be entered and registered in the books of the said directors and trustees.

III. And whereas by one other act of assembly, made in the twenty-second year of the reign aforesaid, entitled, *An Act to empower the trustees of Leeds town to make a causeway through the marsh opposite thereto, and for appointing a publick ferry, the trustees of the said town of Leeds, or any four or more of them, were empowered and authorized to agree with any person or persons to clear, dig up, extend, maintain and improve, a causeway from the river opposite to the said town of Leeds, through the said marsh, to the high land of Sarah Brookes, and from time to time to widen, repair and improve, the same; and, if necessary, to erect and build bridges over any gut or creek in the said marsh, and the money arising by the sale of lots in the said town was by the said act appropriated for that purpose.*

IV. And whereas by another act made in the twenty-fifth year of the said reign, entitled, *An Act to amend an act, entitled, An Act for erecting a town at Bray's church, in the county of King George, other lots in the said town were directed to be sold, and the purchasers thereof were absolutely released of and from the condition of building a house or houses thereon, according to the directions of the said first recited act, and of and from any forfeiture or forfeitures by occasion of the breach or non-performance of such condition, any thing in the said first recited act, or*

any law or custom, to the contrary thereof in any wise notwithstanding; and the said trustees, or any four or more of them, were empowered to apply the money to be paid for the said lots so remaining unsold towards the completion, maintaining and improving, the said causeway.

V. And whereas, in pursuance of the said two last in part recited acts, the trustees of the said town did make sale of sundry of the said lots for considerable sums of money which were lodged in the hands of one of the trustees, who is since dead, and now remain in the hands of his executors, for want of trustees to receive the same, and there are also some lots still unsold for the same reason: *Be it therefore further enacted by the authority aforesaid,* That the directors and trustees hereby nominated and appointed, or any four or more of them, shall and may, and they are hereby empowered and required, to make sale of the said lots still remaining unsold, and shall apply the money arising from the sale thereof, together with such other sums as they shall receive for the purchase money of lots heretofore sold by the former trustees (which the trustees and directors by this act appointed are hereby empowered and required to recover and receive) for and towards the uses and purposes of the said two last in part recited acts of assembly, and to no other use or purpose whatsoever.

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#### CHAP. XXIV.

*An Act for enlarging and ascertaining the limits of the borough of Norfolk, and for other purposes therein mentioned.*

I. WHEREAS his late majesty king George the second, of happy and glorious memory, by his royal charter bearing date under the seal of this colony the fifteenth day of September, in the tenth year of his reign, did grant to the inhabitants of Norfolk that the same should be a borough incorporate, to consist of a major, recorder, eight aldermen, and sixteen common-

Recital of  
Charter of  
Norfolk bo-  
rough.



council men, with sundry rights, privileges and immunities, as in the said charter are fully expressed; which charter hath been since confirmed and explained, and the privileges of the inhabitants of the said borough enlarged, by divers acts of the general assembly of this colony.

And of additions made thereto.

II. And whereas, since the date of the said charter divers persons, proprietors of the lands adjacent to the said borough, have laid out the same into lots and streets, many of which are built on and improved, and people are daily resorting thither, and it is now become a doubt whether the proprietors of such adjacent lots are to be considered and deemed inhabitants of the said borough, and entitled to the rights, privileges and immunities, granted by the said charter, and the several acts of assembly aforesaid; and the mayor, recorder, aldermen, common-council men, and other inhabitants of the said borough, have made their humble suit to this present general assembly that the bounds of the said borough may be enlarged and fully ascertained, so as to prevent all future disputes: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act all the lands contained within the lines and bounds herein after described, including the town originally built on and established at the time of the granting of the said charter, shall be deemed and taken to be the borough of Norfolk, to wit; beginning at the head of a creek called Newton's creek, and thence within a line to be run north fifty-nine degrees west seventy two poles to the head of Smith's creek; thence along the said Smith's creek, according to its various courses and meanders, to the mouth thereof in Elizabeth river; thence bounding on the said river the different courses thereof to the mouth of the said Newton's creek, and thence up the said Newton's creek to the beginning.*

Limits extended.

III. *And be it further enacted, by the authority aforesaid, That the purchasers of the lands included within the bounds aforesaid hereby added to and made part of the said borough, as soon as the same shall be laid off into lots and built on and saved, according to the directions of the said charter and the several acts of assembly aforesaid, and also the other inhabitants and housekeepers thereof, shall be entitled to and have*

and enjoy all and singular the rights, privileges and immunities, granted to and enjoyed by the freeholders and other inhabitants of the said borough.

IV. And whereas it is represented to this present general assembly that a certain piece or parcel of land in the said borough of Norfolk, whereon a publick warehouse lately stood, commonly called the Fort Land, is daily wasting away by the washing of the river, and the justices of the county not having power to levy money for that purpose, and there not being sufficient in the chamber of the said borough to defray the expense of securing the same and building a wharf and storehouses thereon, which are very necessary and convenient for shipping, and would be a great benefit and advantage to the county of Norfolk and the said borough, and that certain persons named in a schedule hereunto annexed have, with the consent and approbation of the justices of the county, the mayor, recorder, aldermen and common-council men, of the said borough, agreed amongst themselves to advance and pay the sums of money set down and expressed against their respective names in the said schedule to trustees, to be applied towards enlarging and securing the said piece or parcel of ground and erecting a wharf and storehouses thereon, on the terms and conditions herein after expressed; therefore, for encouraging and promoting so useful and beneficial an undertaking, *Be it enacted by the authority aforesaid,* That John Hutchings, Robert Tucker, Archibald Campbell, James Holt, Paul Loyall, Thomas Newton, Samuel Boush, William Aitchison, Daniel Rothery, William Bradley, John Tucker, Goodrich Boush, James Taylor, Archibald White, Robert Waller, John Hunter and William Freeman, gentlemen, shall be, and they are hereby, declared, nominated and appointed, trustees and directors for putting the same in execution; and the said piece or parcel of land shall be vested in the said trustees in fee-simple, and it shall and may be lawful to and for the said trustees and directors, or the major part of them, to take and receive of and from the several persons named in the said schedule the several sums of money therein set down against their respective names, and to give their receipts for the same, expressing the purposes for which the said sums shall be paid; on receipt whereof the said trustees and directors shall, and they are hereby empow-

*Fort-Land,*  
in Norfolk  
vested in  
trustees, for  
the purpose  
of enlarging  
and securing  
it, and build-  
ing a store-  
house and  
wharf there-  
on.



ered and required, to lay out and apply the same in and towards enlarging and securing the said piece or parcel of ground, and in erecting and building a wharf and a storehouse or storehouses thereon, in such manner as the said trustees and directors, or the major part of them, shall think proper and most convenient for the careening of ships and other vessels, and storing their rigging, tackle and lading. And when the same shall be completed, the said trustees and directors, or the major part of them, shall let and hire out the said wharf and storehouses for the best price they can get for the same, and shall keep just and fair accounts of their proceedings in books by them to be provided for that purpose, and also of the rents and profits of the said wharf and storehouse; and shall, on the first day of May in every year, account with and pay to the several persons named in the said schedule, their respective heirs, executors, administrators or assigns, or other legal representatives, an equal dividend of the money arising from the rents and profits of the said wharf and storehouses, in proportion to the sums of money by them respectively advanced and paid as aforesaid.

County, or  
borough of  
Norfolk au-  
thorised to  
purchase  
said land.

V. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful to and for the justices of the said county of Norfolk for the time being, or, in case of their refusal, to and for the mayor, recorder, aldermen or common-council, of the said borough, at any time hereafter, to purchase the said land and wharf and storehouses, of the said trustees and directors, or their survivors, for the use and benefit of the said county or borough respectively; and the said trustees and directors, and their survivors, shall, and they are hereby required, at any time hereafter, to convey the same to the said justices, or mayor, recorder, aldermen and common-council men, of the said borough, and their successours, in trust, for the benefit and advantage of the inhabitants of the said county or borough, on their reimbursing the several persons named in the said schedule, their respective heirs, executors, administrators or assigns, or other legal representatives, the several sums of money by them respectively advanced and paid as aforesaid.

*The SCHEDULE to which this Act refers.*

List of subscribers.

Tucker and Bedford,	l. 200
Samuel Farmer,	50
John Hutchings,	50
Thomas Talbot,	50
Anthony Walke, jun.	50
Thomas Newton,	50
Alexander Bruce,	50
John Tucker,	50
Robert Tucker,	125
Thomas Thompson,	50
William Aitchison,	50
Josiah Smith,	50
Archibald White,	50
John and James Ramsay,	50
William Orange,	50
William Tabb,	50
Archibald Campbell,	50
James Taylor,	50
Paul Loyal,	50
Samuel Boush,	75
Daniel and Matthew Rothery,	100
John Willoughby,	100
Cornelius Calvert,	25
John Hutchings, jun.	50
Edward Archer,	50
John Hunter,	50
James Holt,	50
Robert Waller,	75
John Riddell,	50
William Bradley,	50
William Freeman,	100
Goodrich Boush,	50



## CHAP. XXV.

*An Act to empower the vestry of the parish of Antrim, in the county of Halifax, to sell their glebe in the said parish, and to apply the purchase money towards buying another more convenient glebe.*

Vestry of Antrim parish in Halifax authorized to sell their glebe land.

**I. WHEREAS** it is represented to this present General-Assembly that the glebe of the parish of Antrim, in the county of Halifax, is inconveniently situated, and that it would be very advantageous to the minister of the said parish, as also to the inhabitants thereof in general, if the vestry of the said parish were empowered to dispose of the said glebe, and lay out the money arising from the sale thereof in purchasing other lands for a glebe, and erecting convenient buildings thereon: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, that the said glebe land, with the appurtenances, be, and the same are hereby, vested in the present vestry of the said parish of Antrim, and in the vestry of the said parish for the time being, IN TRUST: Nevertheless, that the said vestry, or the greater part of them, shall, by deed of bargain and sale, sell and convey the said glebe, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same; TO HOLD to such purchaser or purchasers, his or their heirs and assigns, for ever.*

**II. And be it further enacted by the authority aforesaid,** that the money arising by the sale of the said glebe shall be by the said vestry laid out and applied for and towards purchasing a more convenient tract or parcel of land for a glebe, and erecting buildings thereon, for the use and benefit of the minister of the said parish of Antrim, for the time being, for ever.

## CHAP. XXVI.

*An Act for paying the Burgesses Wages in Money for this present Session of Assembly.*

I. WHEREAS by an act of Assembly made in the fourth year of the reign of her late majesty queen Anne, entitled, An Act for regulating the election of Burgesses, for settling their privileges, and ascertaining their allowance, it is amongst other things enacted that the allowance for Burgesses attending the General-Assembly should be as followeth, that is to say; for every Burgess coming by land, one hundred and thirty pounds of tobacco and cask a day, besides the necessary charge of ferriage; and for every burgess who could not come to the General-Assembly otherwise than by water, one hundred and twenty pounds of tobacco and cask a day; to be paid to them by the counties for which they serve, respectively, besides an allowance for divers days of travelling to and from the General Assembly, as in the said act is particularly mentioned.

Burgesses  
wages paya-  
ble in money.

II. And whereas by one other act of Assembly, made in the third and fourth years of the reign of his late majesty king George the second, entitled, An Act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted that when any session of Assembly should be thereafter held, and on examination of the Treasurer's accounts it should appear that there are monies sufficient in his hands to discharge all the debts due from the publick, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General-Assembly, leaving and reserving in the hands of the said treasurer, over and above the said payments, a balance of one thousand five hundred pounds at the least, then every Burgess elected and serving for any county or corporation shall be paid out of the publick money the sum of ten shillings for each day he should serve in the house of Burgesses, and for the days of coming to and returning from the General-Assembly, according to the first recited act, in lieu of all other demands for that service, with further allowance to the Burgesses of Accomack and Northampton, and



others coming to the General-Assembly by water, as in the said act is particularly directed.

III. And whereas, by reason of the many large demands on the treasury, there is not sufficient in the hands of the treasurer at this time to pay the wages of the Burgesses for the present session in money, according to the letter of the last recited act; but forasmuch as the payment of the said wages in money for this present session of Assembly will be a great ease to the people, and enable them to pay the taxes necessary for carrying on the present war: *Be it enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same.* that the Burgesses wages for this present session of Assembly shall be paid by the treasurer, on the thirtieth day of October next, out of the public monies in his hands, according to the directions and regulations in the said last-recited act mentioned, any thing in the said act to the contrary thereof in any wise notwithstanding.

When to be  
paid by trea-  
surer.

Tobacco le-  
vied by  
counties for  
their burges-  
ses wages to  
remain for  
use of the  
county.

IV. And whereas, on the adjournment of this present session of Assembly, the courts of several counties did levy tobacco for their Burgesses wages to the time of such adjournment, *Be it therefore enacted,* that the tobacco so levied shall not be received by the Burgesses, but shall remain in the hands of the collectors, and be disposed of by the said courts to the use of their respective counties.

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## CHAP. XXVII.

*An Act to dock the entail of certain lands whereof Archibald Cary, Esquire, is seized as tenant in Fee-Taille, and to settle other lands of greater value in lieu thereof to the same uses.*

Entail of cer-  
tain lands  
whereof Ar-  
chibald Cary  
is seized,  
docked.

I. WHEREAS by one act of General-Assembly, made in the third and fourth years of the reign of his late majesty king George the second, entitled, An Act to enable Henry Cary to sell certain entailed lands in

the county of Warwick, and for settling three hundred and six acres of land, with the appurtenances, in the county of Henrico, and the moiety of three thousand nine hundred and forty-two acres of land, with the appurtenances, in the county of Goochland, of greater value, to the same uses, reciting that Miles Cary, late of the county of Warwick, gentleman, deceased, was in his lifetime seized in fee-simple of and in one tract or parcel of land, with the appurtenances, situate, lying and being, in the parish of Warwick, in the county aforesaid, commonly called and known by the name of the forest; and so being thereof seized by his last Will and Testament in writing, bearing date the ninth day of June, in the year of our Lord one thousand six hundred and sixty-seven, amongst other things did devise part of the said land, with the appurtenances, to his son Henry Cary, and to the heirs of his body lawfully to be begotten, with certain remainders over, as in the said Will was expressd, and died so seized, after whose death the said Henry Cary entered into the tenements aforesaid, with the appurtenances, and was thereof seized, and died so seized, leaving issue Henry Cary his eldest son and heir, who entered and was seized thereof: and that the said Henry Cary, the grandson, was and stood seized in fee-simple of and in one plantation and tract of land, with the appurtenances, situate, lying and being on the south side of James River, in the parish of Henrico, in the county of Henrico, commonly called and known by the name of Warwick, containing by estimation three hundred and six acres; and also of and in three thousand nine hundred and forty-two acres of land, with the appurtenances, situate, lying and being, on the West side and on the branches of Buck river, otherwise called Willis's Creek, in the county of Goochland, commonly called and known by the name of Buckingham; granted to the said Henry Cary by patent bearing date the twenty-seventh day of September, in the third year of the reign of his said late majesty King George the second; and had petitioned that general assembly to be enabled to sell the said entailed lands, and to convey the same to Wilson Cary of Hampton, in the county of Elizabeth City, gentleman, in fee-simple, with whom he had agreed for the purchase thereof, on settling the plantation aforesaid, in the county of Henrico, called Warwick, with the



appurtenances, in the county of Goochland aforesaid, in lieu of the entailed lands, to the same uses: And that the said fee-simple lands, so proposed to be settled, were of greater value than the entailed lands, and would be an ample recompense to the issue in tail, and all others in remainder or reversion; and the sale of the said entailed lands would be of great advantage to the said Henry Cary and his family.

II. And forasmuch as he had made publick notification of his petition, in that behalf, at the Church of the parish wherein the said lands lay, three Sundays successively, pursuant to his said late majesty's instructions in that behalf, and no person had appeared to oppose the same, it was, at the humble suit of the said Henry Cary, enacted that the plantation and parcel of land aforesaid, in the county of Warwick, with the appurtenances, containing by an exact survey eight hundred and seventeen acres, by the last Will and Testament, of the said Miles Cary, so as aforesaid devised to the said Henry Cary, deceased, should, on payment of the purchase money agreed on by the said Wilson unto the said Henry, be vested in the said Wilson Cary, his heirs and assigns, and he should stand seized thereof to the only use and behoof of him the said Wilson Cary, his heirs and assigns for ever; and from and after the payment of the purchase money aforesaid, the three hundred and six acres of land, with the appurtenances, called Warwick, and the Moiety of the three thousand nine hundred and forty-two acres, with the appurtenances, called Buckingham aforesaid, should be vested in the said Henry Cary, and he should stand seized thereof to the use of him the said Henry Cary, and the heirs of the body of the said Henry Cary, deceased; and in case of failure of such issue, to the use of every other person and persons, respectively, who should or might have a right in remainder or reversion to claim the said entailed lands under the Will of the said Miles Cary, if that act had not been made, any law or statute to the contrary thereof in any wise notwithstanding.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successours, all such right, title, estate, interest, claim and demand, of, in and to, any of the lands before-mentioned, other than the

person or persons claiming by, from or under, the last Will and Testament of the said Miles Cary, deceased, or either of them, as they or any of them had, should, or might claim, if that act had never been made.

IV. *Provided always*, That the execution of that act should be suspended, until his majesty's approbation be had thereof; which act received his said late majesty's royal assent and approbation, in a council held at the court of St. James's the twenty-ninth day of November, one thousand seven hundred and thirty-three, and was afterwards fully executed, whereby the said Henry Cary, the Grandson, became seized of the said three hundred and six acres of land called Warwick, and of one moiety of the said three thousand nine hundred and forty-two acres of land called Buckingham, with the appurtenances, as tenant in fee-taille.

V. And whereas the said Henry Cary, the grandson, afterwards departed this life so seized, and being also seized in fee simple of the other moiety of the three thousand nine hundred and forty-two acres of land called Buckingham, whereby all the said lands descended to his son and heir Archibald Cary, esqr. who entered into and is now seized of the said three hundred and six acres of land called Warwick, lying in that part of the said county of Henrico which hath been since named Chesterfield county, and one moiety of the said three thousand nine hundred and forty-two acres of land called Buckingham, lying in that part of the said county of Goochland which hath been since named Albemarle county, as tenant in fee-taille, and the other moiety of the said land called Buckingham as tenant in fee-simple, and hath petitioned this general assembly that an act may pass to dock the entail of the said three hundred and six acres of land called Warwick, and to vest the same, with the appurtenances, in him, the said Archibald Cary, in fee-simple, and to settle in lieu thereof the said other moiety of the land called Buckingham, whereof he is seized in fee simple, being of greater value than the said land called Warwick; which will be a great advantage to the said Archibald Cary and his family, and will enable him to make a more convenient provision for them than he can now do.

VI. And forasmuch as notice hath been published three Sundays successively, in the church of the parish



wherein the said land called Warwick lyeth, that application would be made to this present general assembly to dock the entail of the said land called Warwick, and to vest the same in him, the said Archibald Cary, in fee-simple, and to settle in lieu thereof the said moiety of the land called Buckingham to the same uses, pursuant to his majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said Archibald Cary, that it may be enacted, *and be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said plantation and tract of land called Warwick, with the appurtenances, containing three hundred and six acres, lying and being in the parish now called Dale, in the said county of Chesterfield, whereof the said Archibald Cary is now seized in fee-taille, be, and the same is hereby, vested in the said Archibald Cary, and his heirs and assigns, to the only proper use and behoof of the said Archibald Cary, and his heirs and assigns, for ever; and that the said other moiety of the aforesaid three thousand nine hundred and forty-two acres of land called Buckingham, with appurtenances, whereof the said Archibald Cary is seized in fee-simple, lying and being in the parish of Tillotson, in the county of Albemarle, be, and the same is hereby, vested in the said Archibald Cary, and the heirs of his body begotten; and in case of failure of such heirs, shall remain and descend to such persons and persons, in the same manner, and under the same limitations, as the said land, in the parish of Dale, in the county of Chesterfield, called Warwick, would have remained and descended, if this act had not been made.

VII. Saving to the kings most excellent majesty, his heirs and successours, and to all and every other person and persons, and bodies politick and corporate, and their respective heirs and successours, other than the persons claiming in reversion or remainder after the death of the said Archibald Cary, without heirs of his body begotten, all such right, title, interest, claim and Demand, as they, every, or any of them, should or might claim if this act had not been made.

VIII. *Provided always,* That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

## CHAP. XXVIII.

*An Act to enable the Executors of the Will of John Spotswood, esquire, deceased, to pay the debts and legacies due from the estate of Major-General Alexander Spotswood, and for other purposes therein mentioned.*

I. WHEREAS Major-General Alexander Spotswood was at the time of his death seised and possessed of a large tract of land lying in the county of Spotsylvania, whereon he had erected works for casting pig-iron, and employed therein the greatest part of his slaves; and was also seized of a large tract of land in the counties of Orange and Culpeper, on which he had placed some tenants at an annual rent; and being so seized made his last will and testament in writing, bearing date the nineteenth day of April one thousand seven hundred and forty, and therein did give and devise to his eldest son John Spotswood, esquire, all his said lands and his working slaves in taille, with several remainders over, in case his said son should die without issue, but empowered his executors to lease out any of his said lands (his said mine-tract excepted) for years, or for life or lives, on such conditions, with such covenants, and reservations of rents, for the benefit of his said son, as he the said testator had theretofore leased any of his said lands: And the said testator did further give and devise unto his son Robert Spotswood the sum of three thousand pounds sterling, payable at his attaining the age of twenty-one years; and to his two daughters, Anna-Catharina and Dorothea, the sum of two thousand pounds sterling each, payable at their respectively arriving to the age of twenty-one years, or marriage; which said sums of seven thousand pounds were to be raised by mortgage or sale of any of his the testator's lands, devised to his said son John (his mine tract excepted) and that so much as should seem proper to his wife for the maintenance and education of his said three younger children, until their fortunes should become payable, respectively, should be annually paid out of the growing rents and profits of his said lands: And he the said

Executors of John Spotswood authorized to dispose of certain lands in Spotsylvania Orange & Culpeper, for payment of debts and legacies due from the estate of Maj. Gen. Spotswood.



testator did further direct that all the tradesmen and servants, stocks of cattle, horses and hogs, all wag-gons, carts and carriages, implements of Husbandry and handicraft, and all household-furniture, which should be employed or any way used in and on the said mine-tract, at the time of his death, should continue thereon and be employed therein until his said son John attained to the age of twenty-one years, when he gave the same to his said son John; requesting and desiring his said son John, in case he should attain to that age and die without issue male, that he would give the said servants, stocks and goods, to his aforesaid son Robert, so that the said iron works might be carried on and improved, according to his intention: And further, the said testator did give and devise to his executors his two cabinets of plate, weighing one thousand and eighty nine ounces of silver, on the special trust and confidence that they should permit and suffer his wife to have the use thereof during her natural life, and after her decease to go to his said son John, in case he should arrive to the age of twenty-one years; but if he should die before such age, to his said son Robert; always desiring that the said cabinets of plate might descend, and continue as heir-looms, in his family; and, after some other small legacies, did give the rest of his estate, which was inconsiderable, to be equally divided between his said wife and children, and appointed his said wife, Elliott Benger, gentleman, and Robert Rose, clerk, executors, during the minority of his said son John, as by the said will, remaining of record in the said county court of Orange, may more fully appear.

II. And whereas, in the acquisition of the lands aforesaid, and the setting up the said iron works, the said Major-General Spotswood became, and was at the time of his death, considerably indebted to sundry persons in Great-Britain and this colony; and had, moreover, on his marriage with his said wife, settled on her an annuity of five hundred pounds sterling for life, for her jointure, in case she should survive him; so that the profits of the estate devised to the son John Spotswood were so far from paying his father's debts, and raising the younger childrens fortunes during his minority, that when he arrived to the age of twenty-one years, and the accounts of the executors were settled by order of the general-court, such

profits fell about three thousand pounds short of paying the said annuity, the maintenance of the children, and the necessary expenses of the said estate; which sum the said John Spotswood was, by decree of the said court, obliged to pay, besides being liable for the said debts and fortunes, which were greatly increased by the growing interest thereof.

III. And whereas the said daughters Anna-Catharina and Dorothea, having respectively married, became entitled to their fortunes, and the said John Spotswood not being able to borrow money on the security of his lands to discharge the same, used his utmost endeavours to sell as much of the said Orange and Culpeper lands as would raise the said fortunes and the interest thereof, and frequently advertised pullick sales thereof, at which he sold nineteen thousand seven hundred and fifty-nine acres to different persons, for about four thousand pounds current money in the whole; all of which lands he conveyed to the several purchasers, except a tract of about seventeen hundred and fifty acres, purchased by James Hunter, merchant, lying in the county of Culpeper, containing the tenements on which Robert Slaughter, junior, Christopher Thraikill, and Thomas Jerdon, then lived; and all the waste lands of the said Spotswood, lying within and adjoining the lines of the lands of William Rown, Charles Kavenaugh, John Favers, John Parks, William Williams, Robert Coleman, Gaines and Clayton, Margaret Griffin, Daniel Brown, Philip Rootes, gent. John Thompson, Reuben Long and John Reynolds; for which land the said James Hunter paid the consideration-money, but had no conveyance for the same; and the said John Spotswood having at such sales disposed of seven tracts of land lying in the county of \_\_\_\_\_, containing in the whole nine thousand and forty-eight acres, to John Thornton, gent. for one thousand pounds current money, agreed with the said Thornton to repurchase the said lands to himself in fee-simple, in order to make some provision for his younger son; and a reconveyance of the said lands was accordingly executed by the said Thornton to the said John Spotswood in fee-simple, but it is since doubted whether by such reconveyance the said John Spotswood, was not restored to his old estate taille in the said lands: And the money raised by the sale of the several lands aforesaid being greatly short of the



amount of the said daughters fortunes, and several decrees and judgments having passed against the said John Spotswood, as well for the balance thereof as for his father's debts, which he had no present means of discharging; he was therefore obliged to draw several bills of exchange on merchants in Great-Britain no way indebted to him, thereby to gain time and devise some means of raising the money so recovered of him; which bills were returned protested, and now remain unsatisfied.

IV. And whereas the said Robert Spotswood, the son, having attained to the age of twenty-one years, became entitled to his fortune, and did agree to accept of, and the said John Spotswood accordingly made and executed a mortgage of, all the said lands in the counties of Orange and Culpeper, to hold to him the said Robert Spotswood, his executors, administrators or assigns, until the rents and profits thereof should fully satisfy and pay the said fortune of three thousand pounds and the interest thereof.

V. And whereas it manifestly appears to have been the intention and will of Major-General Spotswood that his debts and younger childrens fortunes should be chargeable on that part of his estate lying in the counties of Orange and Culpeper, and not on his mine-tract or iron works, the profits of which he intended for his eldest son, to enable him to make provision for any younger sons he might have out of such profits, and the rather as the said General Spotswood does not in his said will take any notice of the younger sons which his said son John might have, although he empowers him to charge the entailed estate with a fortune of one thousand pounds for each daughter he should have; notwithstanding which all the profits of the said iron works, from the time of the death of General Spotswood to the time of the death of the said John Spotswood, were applied towards those uses, and the maintenance of the children, except what was necessary for the support of the said John Spotswood's family, and what he laid out in the purchase of the said nine thousand and forty-eight acres of land, and about fifty slaves, in order to make provision for his younger son.

VI. And whereas the said John Spotswood is lately dead, leaving Mary his widow and four children, Alexander Spotswood, his eldest son and heir, John,

Anne and Mary, Spotswood, his younger children; having first made his last will and testament in writing, and therein, according to the power given him by his father's will, charged his entailed estate with the sum of one thousand pounds sterling for each of his said daughters, and give to his said daughter Anne a mulatto girl called Betty, and to his daughter Mary a negro girl named Phillis, and all the rest of his estate he gave to his said younger son John Spotswood in fee-simple; but further directed that if his son Alexander would pay to his son John one hundred pounds, that then his said son Alexander should have the lands purchased of Ambrose Grayson, adjoining the land he the testator lived on; and also that if his said son Alexander would pay his son John the value of the stocks of cattle, sheep, hogs and horses, as they should be appraised, that then the said Alexander should have the said stocks, to him and his assigns, for ever; and of his said will appointed John Robinson, esq; Bernard Moore, John Champe, Edmund Pendleton and Roger Dixon, gent. and Nicholas Seaward, executors, as by the said will, remaining of record in the said county-court of Spotsylvania, may more fully appear; and after the death of the said John Spotswood, the said Bernard Moore alone undertook the execution of his said will, the other executors having hitherto declined to act therein, and the said Bernard was moreover by the general court appointed guardian to the said Sons, Alexander and John Spotswood, who are under the age of fourteen years.

VII. And whereas the said John Spotswood, deceased, by having drawn the said bills of exchange, hath so far made the said debts his own that actions at law may be commenced against his executors, and by that means the whole estate by him devised to his youngest son will in the first instance be swept away; and though the said youngest son may, in a court of equity, be relieved out of the said entailed estate (except the mine-tract and iron works) as to so much of the said debts as are properly chargeable thereon, yet such relief would be tedious and expensive, and involve the family in dissensions and lawsuits, and at the same time be prejudicial to the heir in taille, it is very probable that the reversion of the said tenant lands, after satisfying the said Robert Spotswood's mortgage, could not be sold for the full value thereof: And it is repre-



sented to this General-Assembly that it will be for the benefit of the said heir and younger son, as well as the creditors, if the said Bernard Moore should be allowed to apply the profits of the iron works (which are very considerable) with the rents and profits of the other estate, for and towards the discharging the said debts, whereby the said tenanted lands may be exonerated, and saved to the heir, and the small estate devised to the younger son preserved for him; which is the more just and reasonable, as there is not sufficient of the entailed slaves to carry on the said iron works, but it is necessary that some of the slaves of the younger son should be employed therein.

VIII. And forasmuch as notice has been published three Sundays successively, in the several churches of the counties of Spotsylvania and Orange, that application would be made to this present General Assembly for an act to pass for that purpose, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the executors of the said John Spotswood, deceased, that it may be enacted, and *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, that the said Bernard Moore, or the acting executor or executors of the will of the said John Spotswood, deceased, or the guardian for the time being of the said sons, Alexander and John Spotswood, shall be, and they are hereby, authorized and required to apply the profits of the whole estate, as well the iron works as the tenanted entailed lands, after the mortgage to the said Robert Spotswood shall be satisfied, as the other estate of which the said John Spotswood died seized and possessed in fee-simple, in the first place for and towards the necessary maintenance and education of the children of the said John Spotswood, and the residue in discharge and satisfaction of the several debts due from him and the estate of his said father; and as soon as such debts shall be satisfied and paid, then the profits of the whole entailed estate shall be applied to the benefit of the heir, in the same manner as if this act had never been made: And from thenceforth the said younger son, John Spotswood, shall be seized of the said nine thousand and forty-eight acres of land, so devised to him by the will of his said father, to him and his heirs, for ever; and

shall also be entitled to the other lands, slaves, and personal estate, devised to him by the said will, in manner and on the terms therein-mentioned.

IX. *Provided always and be it further enacted*, that this act, nor any thing herein-contained, shall be construed so as to assist or prejudice the dower or title of dower of the aforesaid Mary, the widow of the said John Spotswood, deceased, and now the wife of John Campbell, gent. in or to the said several estates; but such title of dower shall be determined according to the rules of law and equity, in the same manner as if this act had never been made.

X. *Provided also*, that nothing herein-contained shall be taken so as to exempt the acting executor or executors of the will of the said John Spotswood, or the guardian of his said children, from being obliged to render accounts of their transactions in the trusts aforesaid; but that such accounts shall be rendered, and settled, according to the directions of the laws now in force relating to executors or guardians.

XI. *And be it further enacted, by the authority aforesaid*, that the said tract of land so purchased by the said James Hunter of the said John Spotswood, part of the said entailed lands, be the same one thousand seven hundred and fifty acres more or less, according to the bounds before-described, be, and the same is hereby, vested in the said James Hunter, his heirs and assigns, for ever, to his and their own proper use.

XII. And whereas it is represented that a large quantity of the said Orange and Culpeper lands remain unseated, and the quitrents and taxes thereof will be an annual burthen on the heir; and although it appears to have been Major-General Spotswood's intention that the said lands should be all settled with tenants, yet his executors being all dead, and the issue in taille an infant, it is doubted whether the same can be leased by his guardian aforesaid: *Be it therefore further enacted*, that the said Bernard Moore, or the guardian or guardians for the time being of the said Alexander Spotswood, the son, shall be, and he or they are hereby, authorised and empowered, at any time during his minority, to lease out any of the said entailed lands in the counties of Orange and Culpeper, for years, or for life or lives, on such conditions, with such covenants, and reservations of rents, for the benefit of the said Alexander Spotswood, the son, as the



said Major-General Spotswood had in his lifetime leased any of the said lands.

XIII. Saving to the king's most excellent majesty, his heirs and successours, and to all and every other person or persons, bodies politick and corporate, their respective heirs and successours (other than the persons claiming under the will of the said General Spotswood) all such right, title, interest, claim and demand, as they, every, or any of them, should or might claim if this act had never been made.

XIV. *Provided always*, that the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.

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## CHAP. XXIX.

*An Act for vesting certain lands therein-mentioned in Philip Johnson, gentleman, adding the same to the City of Williamsburg, and for other purposes therein mentioned.*

Certain  
lands held  
in trust by  
John John-  
son, added  
to city of  
Williams-  
burg.

1. WHEREAS John Robinson, Esq. is and stands seized of divers lands and tenements in the Parish of Bruton, in the county of James City, in trust, as to one moiety thereof for the use of Philip Johnson, gentleman, during his natural life, and after his decease in trust, and to and for the use of such child or children as he now hath or may have by Elizabeth his present wife, daughter of Thomas Bray, gentleman, deceased, to whom he shall give or devise the same by deed or Will, subject nevertheless to the power of the said Elizabeth; and as to the other moiety thereof in trust, and to and for the use of the said Philip Johnson, his heirs and assigns forever, in case he shall pay unto such child or children of him and the said Elizabeth all and every such sum and sums of money as the said Elizabeth, notwithstanding her coverture, shall by any deed or instrument in writing duly executed by her give, direct and appoint, according to the proviso

and his covenant, contained in an indenture of release, bearing date the twenty-second day of October, one thousand seven hundred and fifty-one, made between the said Philip Johnson and Elizabeth his wife of the one part, and the said John Robinson of the other part, which indenture is now remaining of record in the Secretary's office; but in case he shall not pay such money then in trust, and to and from the use and behoof of such said child or children as aforesaid, to whom the said Elizabeth by such deed or instrument in Writing shall give, direct and appoint, the same; and in case the said Elizabeth shall execute no such deed or instrument then in trust, and to and for the use of the said Philip Johnson during his natural life, and after his decease in trust, and to and for the use of such child or children as the said Philip Johnson now hath or hereafter may have by the said Elizabeth, to whom he shall give or devise the same by deed or will as aforesaid, and to the heirs and assigns of such child or children, subject nevertheless to the power of the said Elizabeth.

II. And whereas it hath been represented to this general assembly, by the said Philip Johnson, that he hath laid off nineteen acres and twenty-six poles of the said trust land, adjoining the southern bounds of the city of Williamsburg, into thirty-two lots, which he is desirous may be added to and made part of the said city; and that the said Philip Johnson is seized in fee-simple of forty-three acres of land, with the appurtenances, late the estate of one John Baskerfield, lying, in the said parish of Bruton and county of James City, contiguous to the said trust lands, and of greater value than the said nineteen acres and twenty-six poles so laid off into lots, which he is willing should be settled in lieu thereof.

III. And whereas notice hath been published three Sundays successively, in the church of the said Parish of Bruton, that application would be made to this present general assembly, to vest the said nineteen acres and twenty-six poles of land in the said Philip Johnson in fee-simple, and to settle the said forty-three acres of land in lieu thereof, pursuant to your Majesty's instructions: may it therefore please your most excellent majesty, at the humble suit of the said Philip Johnson, that it may be enacted, and *Be it enacted, by the Lieutenant-Governour, Council, and Bur-*



*gesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said nineteen acres and twenty-six poles of land, adjoining the southern bounds of the said city of Williamsburg, shall be, and the same are hereby, vested in the said Philip Johnson, his heirs and assigns, to the only use and behoof of the said Philip Johnson, his heirs & assigns for ever; and that the said forty-three acres of land, with the appurtenances, lying in the said parish of Bruton and county of James City, late the estate of the said John Baskerfield, shall be, and the same are hereby, vested in the said John Robinson, his heirs and assigns, in trust, and to and for the same uses that he is and now stands seized of the residue of the said trust lands.*

*IV. And be it further enacted, by the authority aforesaid, That the said nineteen acres and twenty-six poles of land, so laid off by the said Philip Johnson into lots, adjoining the said City of Williamsburg, so soon as the said lots shall respectively be built on and saved according to the conditions that shall be contained in the deeds of conveyance thereof, shall be added to and made part of the said city; and the freeholders and inhabitants of the said lots shall then be entitled to, and enjoy, all the rights, privileges and immunities, granted to and enjoyed by the freeholders and inhabitants of the said city, and shall be subject to the same jurisdiction, rules and government, with the other inhabitants of the said city.*

*V. Saving to the king's most excellent majesty, his heirs and successours, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successours, other than the persons claiming under the trust aforesaid, all such right, title, interest, property, claim and demand, as they, every, or any of them, should or might have had or claimed if this act had never been made.*

*VI. Provided always, That the execution of this act shall be, and the same is hereby, suspended, until his majesty's approbation thereof shall be obtained.*

## CHAP. XXX.

*An Act to dock the Entail of certain Lands whereof Carter Henry Harrison is seized, and for settling other Lands to the same uses.*

I. WHEREAS Robert Carter, Esq. of the county of Lancaster, deceased, was in his lifetime seized in fee-simple of and in one certain tract or parcel of land, containing about twelve hundred and ten acres, with the appurtenances, lying and being in the parish of Southwark in the county of Surry, and by his last Will and testament in writing, bearing date the twenty-second day of August, in the year of our Lord one thousand seven hundred and twenty-six, by the description of the land, purchased of Mr. William Macon and his wife, and then in the possession of major Benjamin Harrison and his daughter Anne, the wife of the said Benjamin Harrison, did devise the same to his said daughter Anne for and during her natural life, and to her second son, to be christened Carter, and to the heirs male issue of his body, and for want of such to a third son, and to the heirs male issue of his body, and for want of such to the eldest son of his said daughter Anne, and to the heirs male issue of his body, and for want of issue male of his said daughter Anne's body to his said Daughter's heirs female, and for want of issue male and female of his said daughter, then that the said land should go to his son Robert and to the heirs male issue of his body, and for want of such to his son Charles and the heirs male issue of his body, and for want of such to his son Landon and the heirs male issue of his body, and for want of such to his son George and the heirs male issue of his body, and for want of such to revert to the right heirs of him the said Robert Carter for ever, as by the said will, proved and recorded in the general court of this colony, is more fully contained: That after the death of the said Robert Carter, Anne his daughter became seized of the said land, and died leaving issue Benjamin Harrison, Esquire, her eldest son and heir, Carter Henry Harrison, her second son, who entered into and is now seized of the said land in

Entail of certain lands whereof Carter Henry Harrison is seized docked.



fee-taille, pursuant to the will of the said Robert Carter, and several other sons and daughters.

II. And whereas the said lands are very inconvenient to him the said Carter Henry Harrison, and less capable of improvement than other lands which may be purchased with the money arising from the sale thereof, and the said Carter Henry Harrison hath agreed to sell the same to John Cocke, gentleman, of the county of Surry, for a thousand pounds, the full value thereof, and is desirous that the entail of the above-mentioned land should be docked, and that the said one thousand pounds to be paid by the said John Cocke should be placed in the hands of trustees, and that the said money should be laid out in the purchase of other more convenient lands; and as notice hath been published three Sundays successively, in the several churches of the said parish of Southwark, pursuant to your majesty's instructions, that application would be made to this general assembly to dock the entail of the said twelve hundred and ten acres, with the appurtenances, now commonly called and known by the name of Scotland neck; and Benjamin Harrison, in whom the remainder is now vested (Henry the third son of the said Anne, daughter of the said Robert Carter, dying an infant, and without issue) having consented thereto:

III. May it therefore please your most excellent majesty, at the humble suit of the said Carter Henry Harrison, that it may be enacted, and *Be it enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same.* That on the payment of one thousand pounds current money by the said John Cocke, gentleman, to the honourable Peter Randolph, Esquire, William Randolph, Archibald Cary and Bowler Cocke, gentlemen, who are hereby appointed trustees to put this act in execution, the said twelve hundred and ten acres of land, lying and being in the parish of Southwark, and county of Surry, be, and the same are hereby, vested in the said John Cocke, his heirs and assigns, to the only use and behoof of him the said John Cocke, his heirs and assigns, for ever; which said sum of money the said trustees, the survivor or survivors of them, as soon as conveniently may be, after receiving the same, shall fairly lay out in the purchase of other lands: and the said trustees

the survivor or survivors of them, are hereby empowered and required to cause a deed or deeds to be executed for the said lands, so by them to be purchased, to the said Carter Henry Harrison; which said deeds shall recite the title and this act, and shall be acknowledged or proved and recorded in the manner prescribed by law; and the said Carter Henry Harrison, from and immediately after the executing and performing of such deed or deeds, shall stand seized of the land so purchased, to such use and uses and of such estate; and the same shall pass in descent, reversion and remainder, according to the limitations and estate mentioned in the aforesaid Will of Robert Carter, Esquire, any thing contrary thereto in any wise notwithstanding.

IV. *And be it further enacted, by the authority aforesaid,* That the slaves devised by the Will of the said Robert Carter, Esquire, to the said Carter Henry Harrison, shall descend and go with the lands to be purchased according to the directions of this act, in the same manner, and under the like limitations, as they would have done if this act had never been made.

V. Saving to the kings most excellent majesty, his heirs and successours, and every other person and persons, bodies politick and corporate, their respective heirs and successours, all such right, title, estate, interest, claim and demand, of, in and to, any of the afore-mentioned lands, other than the persons claiming under the last Will and testament of the said Robert Carter, Esquire, as they or any of them should or might claim if this act had never been made.

VI. *Provided always,* That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.



*An Act to empower the executors of the will of Gawin Corbin, gent. deceased, to sell certain entailed lands and slaves, for the payment of his debts, and for settling other lands of greater value to the same uses.*

Executors of  
Gawin Cor-  
bin authoris-  
ed to sell  
certain en-  
tailed lands  
and slaves.

**I. WHEREAS** Gawin Corbin, late of the county of Westmoreland, gent. deceased, was in his lifetime seized in fee-simple of and in a tract of land containing about five hundred acres, situate in the parish of Christ's-church, in the county of Lancaster, and of several other tracts of land lying in the counties of Westmoreland, King George and Fauquier, on which several tracts of land the said Gawin Corbin worked as many slaves as the same would reasonably bear, and was also seized in fee-simple of and in two undivided third parts of a tract of land, containing about three thousand acres, situate in the county of Caroline, which he held in common with Gawin Corbin, son and heir of John Corbin, gent. deceased, under the will of Gawin Corbin, formerly of the county of King and Queen, esq; and being so seized he, the said first-mentioned Gawin Corbin, in and by his last will and testament in writing, bearing date the twenty-ninth day of October, in the year of our Lord one thousand seven hundred and fifty-nine, did give and devise all his estate, both real and personal, to his dear wife Hannah Corbin, during her widowhood and continuance in this country, she allowing his daughter Martha a genteel education and maintenance, at the discretion of his executors; but if his said wife should continue a widow until his daughter should marry, or come to the age of twenty-one years, then he desired his daughter might have one half of his estate; and if his wife should marry again, or leave this country, then he directed that she should have only one third part of his estate, during her life; and at her death he gave the same, together with what his daughter was to take, on the contingencies before-mentioned, unto his said daughter Martha, and the heirs of her body,

for ever, provided she did not marry before she arrived to the age of twenty-one years, nor afterwards without the consent of her guardians, or the majority of them; and if his said daughter should die without issue, or marry under age, or without such consent as aforesaid, in either case he gave his estate one half to the two youngest sons of his brother Richard Corbin, esq; and their heirs, for ever; and the other moiety to the two youngest sons of his sister Johanna, the wife of Robert Tucker, gentleman, and their heirs, for ever: And further directed that, if his crops were not sufficient to pay his debts, his said lands in the county of Caroline should be sold for that purpose, and appointed his said wife Hannah Corbin, Richard Henry Lee, Thomas Ludwell Lee, and Francis Lightfoot Lee, gentlemen, and the said Richard Corbin, executors of his said will, and guardians of his said daughter Martha, as by the said will, duly proved, and remaining among the records of the said county-court of Westmoreland, may more fully appear; and soon after making the said will the said Gawin Corbin died seized of such estate as aforesaid, and possessed of a very small and inconsiderable personal estate.

II. And whereas the debts already demanded of the said executors as due from the said Gawin Corbin, at the time of his death, amount to one thousand five hundred and thirteen pounds eight shillings and twopence sterling, and nine hundred ninety and eight pounds fifteen shillings and sixpence current money; and the executors having applied the testator's crops towards discharging the same, according to his will, there yet remains to be paid the sum of one thousand two hundred and ten pounds nine shillings and twopence sterling, mostly due to merchants residing in Great-Britain, and six hundred ninety and six pounds and nineteen shillings current money, which the several creditors are impatient to receive payment of; but, by reason of many disputes depending about the bounds of the said lands in the county of Caroline, and for want of a partition thereof between the representatives of the said Gawin Corbin and the heir of the said John Corbin, who is an infant, the said lands cannot now be sold for near their value, nor for a sum sufficient to pay the remaining balance of the debts, whereby the said executors, as they cannot until such sale apply any other part of the estate to the payment of the



debts, are likely to be involved in expensive lawsuits, and the creditors greatly delayed.

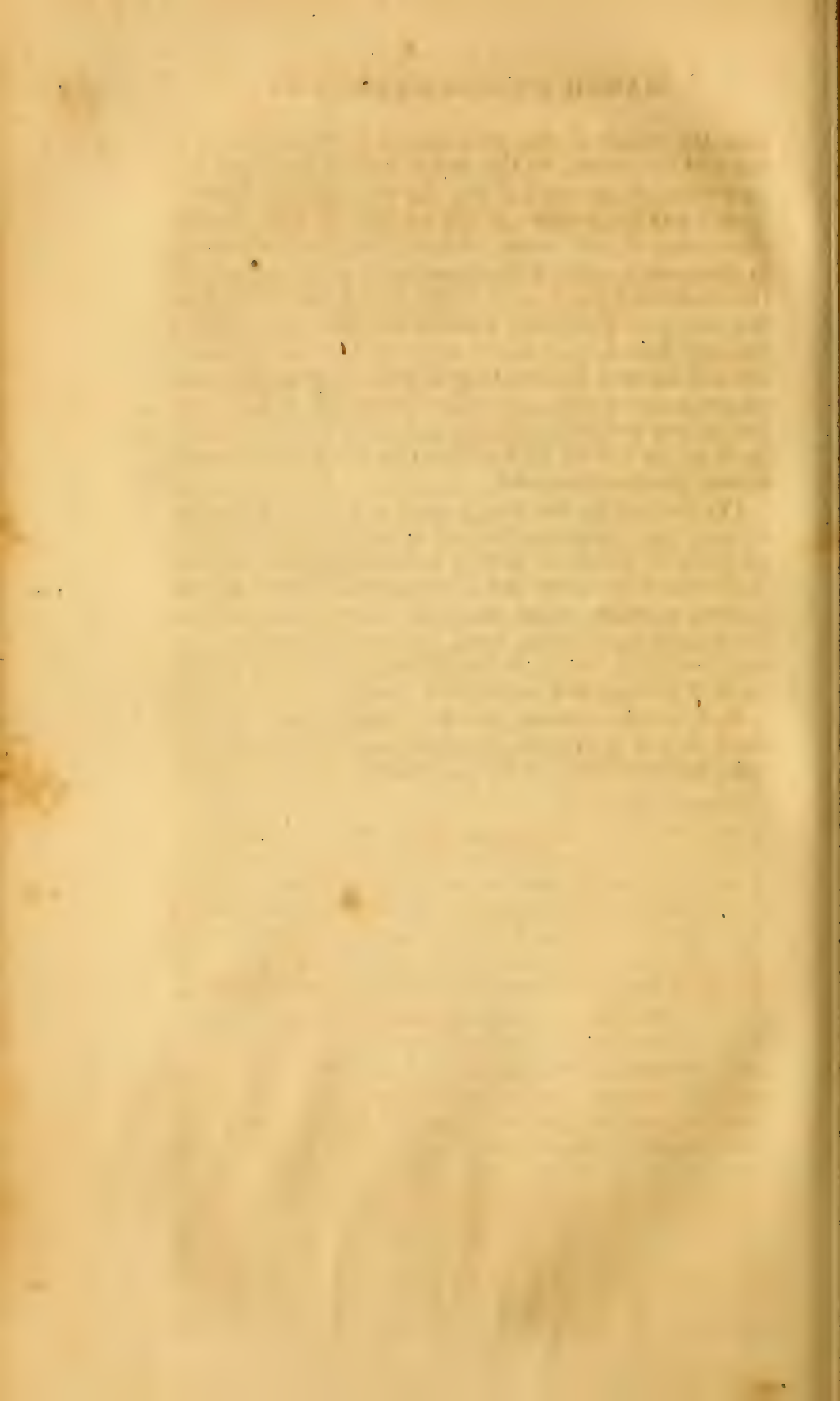
III. And whereas the said lands in the county of Lancaster are mostly cut down, and the soil exhausted; but yet, from its situation and circumstances, the same might be sold immediately for more than the real value; and the said lands in the county of Caroline, being fresh, might be worked with slaves to a greater profit for the estate; and it hath been represented to this present General-Assembly that it will be greatly to the advantage of the widow and daughter of the said Gawin Corbin, as well as those claiming in remainder under his will, and greatly expedite the payment of his debts, if the said executors were allowed to sell the said tract of land in the county of Lancaster, and as many slaves as would raise money sufficient to pay the debts remaining due, and preserve the said lands in the county of Caroline, being of greater value, in lieu thereof, to the uses mentioned in the will of the said Gawin Corbin, to which sale the said Richard Corbin and Robert Tucker, in behalf of their infant children, to whom the remainder is limited as aforesaid, are consenting; and whereas notice hath been published three Sundays successively, in the several churches of the said parish of Christ's-church, that application would be made to this General-Assembly for leave to sell the said lands in the county of Lancaster and some slaves for the purposes aforesaid, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said executors, that it may be enacted, and *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That* from and after the passing of this act the said tract of land in the county of Lancaster, whereof the said Gawin Corbin died seized, be, and the same is hereby, vested in the said Hannah Corbin, Richard Henry Lee, Thomas Ludwell Lee, Francis Lightfoot Lee and Richard Corbin, or the survivors or survivor of them, **IN TRUST**; that they or the major part of them, shall, as soon as it can be conveniently done, sell and dispose of the said lands for the best price that can be got, and convey the same to the purchaser or purchasers in fee-simple, and apply the money arising by such sale towards the payment of the debts remaining due

from the estate of the said Gawin Corbin; and that the said executors, or the major part of them, do afterwards sell as many of the slaves of the said Gawin as will pay the residue of the said debts, and render an account of such sales, and of their administration, to the county court of Westmoreland: and that the said two undivided third parts of the said tract of land in the county of Caroline, whereof the said Gawin Corbin died seized, be, and the same are hereby, vested in the said Hannah Corbin, and Martha Corbin, for such estates, respectively, and subject to the like conditions, limitations and remainders, as are directed for the said lands in the county of Lancaster by the will of the said Gawin Corbin, deceased.

IV. Saving to the king's most excellent majesty, his heirs and successours, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successours, other than the persons claiming under the will of the said Gawin Corbin, all such right, title, interest, claim and demand, as they, every, or any of them, should or might claim if this act had never been made.

V. *Provided always*, that the execution of this act shall be, and is hereby, suspended, until his majesty's approbation thereof shall be obtained.





ANNO REGNI

## GEORGI II,

Regis Magnæ Britanniae, Franciæ, et  
Hiberniæ, secundo.

*At a General Assembly, begun and held at the Capitol, in the City of Williamsburg, on Tuesday the 26th of May in the first year of the reign of our sovereign lord George III. by the grace of God of Great-Britain, France and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1761, and from thence continued by prorogation to Tuesday the third of November following; and then held at the Capitol, in the City of Williamsburg; being the first session of this General-Assembly.*

*Francis Fauquier, Esq. Governor.*

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### CHAP. I.

*An Act for further continuing the Regiment in the Service of this Colony.*

I. WHEREAS it is necessary that the regiment now in the service and pay of this colony should be further continued, and retained in the service of the government, from and after the first day of December next, to which time they now stand provided for, until the first day of may next: *Be it therefore enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, that the said regiment shall continue and remain in the service and pay of this colony, from and after the said first day of December next.*

*The regiment further continued in service.*



until the said first day of May next; and shall and may, by the direction of the governour or commander in chief for the time being, be disposed of for the protection of the frontiers of this colony, as he shall think most expedient.

Provided  
that on con-  
clusion of a  
peace with  
the Chero-  
kee Indians,  
they are to  
be disband-  
ed.

II. *Provided nevertheless*, that if any peace shall be concluded between his majesty and the Cherokee Indians, at any time before the said first day of May next, the said regiment shall, immediately on the notification thereof to the governour or commander in chief of this colony, be marched to Fort Lewis, in the county of Augusta, and there paid and disbanded; and that there shall also be paid and advanced to each soldier, over and above all pay then due to him, one full month's pay, the better to enable them to travel to the places of their respective residence, and shall not thereafter be deemed or taken to be in the service or pay of this colony.

How paid.

III. *And be it further enacted, by the authority aforesaid*, that so much money as shall be necessary for defraying the charge of paying, subsisting, and other expenses of the said regiment, until the first day of May next, or until the same shall be disbanded in the manner herein before directed, shall be paid by John Robinson, esquire, treasurer of this colony, or the treasurer of this colony for the time being, appointed by or pursuant to an act of Assembly, out of the money arising from bills of exchange drawn, or to be drawn, in pursuance of an act of Assembly made in the last year of the reign of his late majesty king George the second, of happy and glorious memory, entitled, An Act for appointing persons to receive the money granted, or to be granted, by the parliament of Great-Britain to his majesty for the use of this colony, to the amount of twelve thousand pounds, over and above all such sums as shall or may remain in the hands of the said treasurer of the money granted by an act passed at the last session of Assembly, entitled, An Act for recruiting and further continuing the regiment in the service of this colony, and for other purposes therein-mentioned, after the said first day of December next, to be accounted for to the General-Assembly.

Commission-  
ers to settle  
military ac-  
counts.

IV. And whereas it will be very troublesome to the governour or commander in chief to examine and settle the accounts of the several charges and expenses

of the said regiment, be it further enacted, by the authority aforesaid, that William Prentis, Thomas Everard and James Cocke, gentlemen, shall be, and they are hereby appointed commissioners, to examine, state and settle, such accounts relating to the expenses of the said regiment as shall from time to time be referred to them by the governour or commander in chief for the time being; and each of the said commissioners shall be allowed for their trouble therein the sum of fifty pounds.

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## CHAP. II.

*An Act to enhance, and more effectually to secure, the credit of the paper currency of this Colony.*

I. WHEREAS it is of the greatest importance to Preamble preserve the credit of the paper currency of this colony, and nothing can contribute more to that end than a due care to satisfy the publick that the paper bills of credit, or treasury notes, are properly sunk, according to the true intent and meaning of the several acts of assembly passed for emitting the same; and the establishing a regular method for this purpose may prevent difficulties and confusion in settling the public accounts, in case of a loss of the said bills or notes, by any unforeseen casualty, after they are paid into the treasury.

II. And whereas the different tenours, or times of redemption fixed by the several acts of assembly directing the various emissions, render such a sinking of the treasury notes difficult to be accomplished, as it thereby becomes necessary to reserve annually in the treasury large sums of such paper notes as are paid in for taxes, in order to effect the purpose of redemption, when the several redeeming periods shall arrive; whereas, if the several times of redemption were reduced to one, the whole returns of the officers collecting the taxes might be destroyed, to the great



diminution of the paper currency, and of consequence to the greater value of what remains in circulation.

Period fixed  
for redemption  
of treasury notes.

III. *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That all the treasury notes now in circulation, which have been emitted by former acts of assembly, shall be redeemable on the twentieth day of October, one thousand seven hundred and sixty-nine, any other act or acts of assembly to the contrary, or seeming to the contrary notwithstanding.

Committee  
for destroying  
treasury notes  
redeemed.

IV. And that Peyton Randolph, Esquire, Lewis Burwell, George Wythe, Robert Carter Nicholas and Benjamin Waller, gentlemen, or any three of them, be, and they are hereby appointed a committee, to examine, at least twice in every year (and oftener, if thereto desired by the treasurer, for the time being,) all such bills of credit or treasury notes as have been or shall be paid into the treasury, in discharge of the taxes on lands and tithables imposed by any former act of assembly; and on receipt of the said bills or notes the said committee shall give to the treasurer for the time being a certificate of the amount thereof, which shall avail the said treasurer in the settlement of his accounts as effectually, to all intents and purposes, as if he produced the said bills or notes themselves; and the said committee are hereby required and directed, so soon as they have given such certificates, to cause all such bills and notes to be burned and destroyed.

V. *Provided always,* That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

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### CHAP. III.

#### *An Act for appointing a Treasurer.*

John Robinson  
appointed  
treasurer.

I. WHEREAS by one act of assembly made in the thirty-second year of the reign of his late majesty king George the second, John Robinson, Esquire, was appointed treasurer of the revenues arising from the duty on liquors, and slaves laid and imposed by any act or

acts of assembly of this colony, and of all other publick moneys payable to the treasurer of this colony for publick uses, by virtue of any other act or acts of assembly, to hold the said office of treasurer so long as he should continue speaker of the house of burgesses, and from the time of his being out of that office until the end of the next session of assembly.

II. And whereas the said act will expire at the end of this session of assembly, and it being expedient that a treasurer should be appointed, *Be it therefore enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, John Robinson, Esquire, shall be, and is hereby nominated, constituted and appointed, treasurer of the revenues arising from the duties on liquors and slaves, and of all other publick monies payable to the treasurer of this colony for publick uses, by virtue of any act or acts of assembly, to hold the said office so long as he shall continue speaker of the house of burgesses, and from the time of his being out of the said office to the end of the next session of Assembly; and the said John Robinson is hereby authorized, empowered and required, to demand, receive and take, of and from the several collectors of the said duties, all and every the sum and sums of money arising by force and virtue of the said acts, or any or either of them, and shall apply and utter the same to and for such uses, and on such warrants, as by the said acts for laying the said duties, or by any other act or acts of assembly, is or shall be appointed or directed, and shall be accountable for the said money to the general assembly.

Salary.

III. *And be it further enacted, by the authority aforesaid,* That the salary of five pounds in the hundred, or so much as is or shall be by any special act or acts of assembly allowed and limited, and so proportionably for a greater or less sum, shall be allowed and paid to the said treasurer hereby appointed, out of all and every the sum and sums of money by him received, and accounted for to the general assembly as aforesaid; and that there shall be also allowed to the said treasurer, for auditing and settling the accounts of inspectors of tobacco, during the continuance of the laws in that behalf made, the sum of one hundred and fifty pounds per annum, for his trouble and service therein.



Bond and security.

IV. *Provided always*, that the said treasurer, before he enters on his office, shall give such sufficient security as shall be approved of by the governour or commander in chief of this colony, in the sum of twenty thousand pounds, for the due answering and paying all the money by him from time to time to be received as aforesaid.

Vacancy how supplied.

V. And to the end a treasurer may not be wanting in case of the death, resignation or disability, of the treasurer hereby appointed, *Be it further enacted*, that in either of these cases it shall and may be lawful for the governour or commander in chief of this colony, with the advice of the council, for the time being, to appoint some other fit and able person to be treasurer of the duties, to hold the said office with all powers, authorities, salaries and profits aforesaid, until the end of the next session of assembly; which treasurer so appointed shall, before he enters on his office, give the like security as is herein-before directed.

VI. And whereas by an act passed in the thirty-third year of his late majesty's reign, entitled, An Act for granting the sum of twenty thousand pounds for the further security and protection of this colony, Peyton Randolph, Esquire, Robert Carter Nicholas, Benjamin Waller, Lewis Burwell and George Wythe, gentlemen, or any three, were appointed a committee to examine all such bills of credit or treasury notes, redeemable on the first day of March, one thousand seven hundred and sixty-five as had been or should be paid into the treasury in discharge of the duties and taxes imposed by any former act of assembly, and on receipt of the said bills or notes the said committee should give to the treasurer for the time being a certificate of the amount thereof, which should avail the said treasurer in the settlement of his accounts as effectually to all intents and purposes, as if he produced the said bills or notes themselves; and the said committee were thereby required and directed, so soon as they had given such certificate, to cause all such bills or notes to be burned and destroyed.

Power of committee to destroy treasury notes destroyed, enlarged.

VII. And whereas the committee appointed by the said act hath no power to burn or destroy any other bills or notes than such as are redeemable on the said first day of March, one thousand seven hundred and sixty-five, *Be it therefore enacted, by the authority aforesaid*, That the said committee shall have full power to

examine and destroy any other bills or notes that shall be produced to them by the treasurer, and give him a certificate, as by the said act is directed.

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CHAP. IV.

*An Act to empower the Common Hall of the City of Williamsburg to assess such Taxes, from time to time, on the inhabitants thereof, as shall be sufficient to answer all charges and expenses for publick buildings, keeping the streets in repair, and other conveniences.*

I. WHEREAS the Mayor, Recorder, Aldermen and Common Council of the city of Williamsburg, have represented to this present General Assembly that it may prove of great service, and very much conduce to the preservation of the said city, if wells were sunk and pumps fixed in different parts thereof, and always kept up in proper order and repair, to supply the fire engine with water, in case of fires; and that they are desirous the same should be done, for the use of the said city, at the charge of the inhabitants of the corporation, but it is doubted whether they have power by their charter to assess a tax on the said inhabitants for that purpose, or for any other needful occasion of the city, when their chamber is deficient.

Common  
hall of city of  
Williams-  
burg, autho-  
rized to as-  
sess taxes.

II. *Be it therefore enacted, by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the mayor, recorder, aldermen and common council, of the said city of Williamsburg, for the time being, in common hall assembled, to levy and assess by the Poll, on the tithable persons inhabiting within the said city, all such sum and sums of money as shall be sufficient for defraying the charge of sinking so many wells as they shall think necessary within the said city and fixing*



pumps therein, if their chamber shall be deficient, and also to appoint a collector of the same.

III. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the mayor, recorder, aldermen and common-council, of the said city, in common hall assembled, from time to time, and at any time hereafter, to levy and assess by the poll, on the tithable persons inhabiting the said city, all such other sum and sums of money as they shall or may find it necessary to raise, for defraying the charges and expenses of any publick buildings, or other necessary conveniences, for the use and benefit of the inhabitants of the said city, and in the like manner to appoint a collector or collectors of the same; and if any person or persons shall refuse or neglect to satisfy and pay the money so on him, her or them, levied and assessed, according to the times appointed for the payment thereof, it shall and may be lawful to and for such collector, by warrant under the hand of any magistrate of the said city, to levy the money so due by distress and sale of the delinquent's goods, in the same manner as for non-payment of publick and county levies in this colony.

IV. And whereas the streets in the said city of Williamsburg are in so ruinous a condition as to render it unsafe to pass in the night time in any coach or other carriage, *Be it enacted, by the authority aforesaid,* that it shall and may be lawful for the mayor, recorder, aldermen and common council, of the said city, and they are hereby required, to lay out and apply so much of the money to be raised by this act as shall be sufficient to repair and keep in good order the streets and lanes in the said city.

## CHAP. V.

*An Act to empower the vestry of the parish of Hanover, in the county of King-George, to sell their present glebe-lands, and to lay out the money in the purchase of a more convenient glebe.*

I. WHEREAS it is represented to this present General-Assembly that the glebe of the parish of Hanover, in the county of King-George, is very mean land, and the buildings thereon in a ruinous condition, and that it would be very advantageous to the minister, as also to the inhabitants of the said parish in general, if the vestry of the said parish were empowered to dispose of the said glebe, and lay out the money arising from the sale thereof in purchasing other lands for a glebe, and erecting convenient buildings thereon.

Vestry of Hanover parish in King George authorized to sell their Glebe.

II. *Be it therefore enacted by the Lieutenant-Governour, Council & Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That the said glebe-land, with the appurtenances, be, and the same are hereby, vested in the present vestry of the said parish of Hanover, and in the vestry of the said parish for the time being, IN TRUST: Nevertheless, that the said vestry, or the greater part of them, shall, by deed of bargain and sale, sell and convey the said glebe, with the appurtenances, for any sum that can be got for the same above two hundred pounds, but not under that sum, to any person or persons who shall be willing to purchase the same; to hold to such purchaser or purchasers, his or their heirs and assigns, for ever.

III. *And be it further enacted, by the authority aforesaid,* that the money arising from the sale of the said glebe shall be by the said vestry laid out and applied for and towards purchasing a more convenient tract or parcel of land for a glebe, and erecting buildings thereon, for the use and benefit of the minister of the said parish of Hanover, for the time being, for ever.



## CHAP. VI.

*An Act to explain and amend an Act, entitled, An Act for enlarging the town of Dumfries, in the county of Prince William.*

Act for enlarging town of Dumfries explained.

I. WHEREAS by an act of the general-assembly of this colony, passed in the first year of the reign of his present majesty, entitled, an act for further enlarging the town of Dumfries, in the county of Prince-William, part of the lands contiguous to the said town, which were in the possession of Bertrand Ewell, of the said county, were added to and made part of the said town, and vested in the trustees, who were empowered to lay the same off into streets and lots, and to sell the same at publick auction, to the highest bidder for ready money, to be paid by the purchasers thereof to the said trustees, and to be by them paid to the said Bertrand Ewell.

Rights of John Baylis as assignee of George Hancock.

II. And whereas, before the passing of the said last in part recited act, the same lands, so vested in the trustees as aforesaid, were under mortgage to George Hancock, as a security for the payment of the purchase money, of whom the said Bertrand Ewell bought the same, by deeds duly proved and recorded; which said deeds of mortgage were by the said George Hancock, for a valuable consideration *bona fide* paid, assigned over to John Baylis, of the county of Prince William, gentleman, who since the said assignment was made, and before the passing of the said in part recited act, had actually presented his suit in the general court of this colony in chancery, to foreclose the said mortgage, and to exclude the said Bertrand Ewell from all equity of redemption thereof.

III. And whereas it would be extremely unreasonable and unjust that the money arising from the sales of the said lots should be paid to the said Bertrand Ewell pending the said suit, by which means the said John Baylis, assignee, under the said mortgage, would be totally deprived of any security he might have for the said debt: *Be it therefore enacted by the Lieutenant Governour, Council and Burgesses of this present General-Assembly, and it is hereby enacted by the authority of the same.* That the said trustees shall be, and are hereby authorized and empowered, to

retain all such sums of money in their hands as may arise from the sales of the said lots, until the suit in chancery as aforesaid shall be determined; and as soon as conveniently may be, after the receipt thereof, may lend the same money from time to time on interest, to such persons as are willing to take the same, giving good bond, with sufficient security, which said bonds shall be made payable to the said trustees and their successors, for the uses aforesaid, subject to the determination & decree of the said general court in the said suit, any thing in the said act to the contrary, or seeming to the contrary thereof, in any wise notwithstanding.

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## CHAP. VII.

### *An Act for establishing the towns of Staunton, in the county of Augusta, and New London in the county of Bedford, and Strasburg in the county of Frederick.*

I. WHEREAS the erecting towns on the frontiers of this colony may prove of great benefit and advantage to the inhabitants, by inducing many of them to settle together, which will enable them the better to defend themselves on any sudden incursions of an enemy; and whereas it hath been represented to this present general Assembly that William Beverley, Esquire, deceased, did in his lifetime lay out a parcel of land in the county of Augusta, at the court-house of the said county, into lots and streets for a town, and did some time afterwards give to the said county twenty-five acres of land more, adjoining the said former lots, to be added to and made part of the said town, which hath also since been laid off into lots and streets, most of which are now disposed of, and many families are settled there; and that William Callaway, gentleman, hath made a free gift of one hundred acres of land to the county of Bedford, adjoining the Court-House of the said county, to be settled into a town, which hath since been laid off into lots and streets, by order of

Towns of  
Staunton, in  
the county  
of Augusta;  
of New Lon-  
don, in Bed-  
ford, and of  
Strasburg in  
Frederick  
established.



the Court of the said county, many of which are already sold and settled, and it is likely to become a flourishing town, being commodiously situated for trade; and that Peter Stover, of the county of Frederick, hath laid out a certain quantity of his lands in that county into lots and streets for a town, where many families are already settled: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That the land so laid off by the said William Beverley in the county of Augusta, and the lands so laid off in the counties of Bedford and Frederick, shall be, and are hereby, respectively established towns; and that the said town, in the county of Augusta, shall be called and known by the name of Staunton, and that the town in the county of Bedford shall be called and known by the name of New-London, and the town in the said county of Frederick by the name of Strasburg, and that the freeholders and inhabitants of the said towns shall enjoy the same privileges which the freeholders of other towns erected by act of Assembly enjoy.

Fairs to be  
kept.

II. And whereas the allowing Fairs to be kept in the said towns will be very commodious to the inhabitants of those parts, and greatly increase their trade, *Be it therefore further enacted, by the authority aforesaid,* That for the future two fairs shall and may be annually kept in the said towns of Staunton and Strasburg on the second Tuesday in June and November, and for the said town of New-London on the fourth Thursday in May and November, in every year, and to continue for the space of two days, for the sale and vending of all cattle, victuals, provisions, goods, wares and merchandises, whatsoever; on which Fair days, and on two days next before, and two days next after the said Fairs, all persons coming to, being at, or going from the same, together with their cattle, goods, wares and merchandises, shall be exempt and privileged from all arrests, attachments and executions, whatsoever (except for capital offences, breaches of the peace, or for any controversies, suits or quarrels, that may arise and happen during the said time) in which case process may be immediately issued, and proceedings thereon had, in the same manner as if this act had never been made, any thing herein

before-contained to the contrary thereof notwithstanding.

III. *Provided always*, That nothing herein contained shall be construed, deemed or taken, to derogate from, alter or infringe, the royal power or prerogative, of his majesty, his heirs and successours, of granting to any person or persons, bodies politick or corporate, the privileges of holding Fairs or markets in such manner as he or they, by his or their royal letters-patent, or by his or their instructions to the governor or commander in chief of this dominion for the time being, shall think fit.

IV. *And be it further enacted by the authority aforesaid*, That it shall not be lawful for any person whatsoever to erect or build, or cause to be erected or built, in either of the said towns, any wooden chimnies; and if any person already hath or shall presume to erect or build any wooden chimnies, in either of the said towns, it shall and may be lawful for the Sheriff of the respective counties, and he is hereby required, to cause every such chimney to be pulled down and demolished: *Provided nevertheless*, That no wooden chimney already built shall be pulled down before the first of August next.

Wooden  
chimnies not  
to be built.

V. And whereas it is necessary that trustees should be appointed for the said towns hereby erected, *Be it further enacted, by the authority aforesaid*, That William Preston, Israel Christian, David Stewart, John Brown, John Page, William Lewis, William Christian, Eledge M-Clanahan, Robert Brackenridge and Randal Lockheart, gentlemen, be, and they are hereby nominated, constituted and appointed, trustees for the said town of Staunton, in the county of Augusta; and Benjamin Howard, Richard Callaway, William Meade, John Payne, Junior, William Stamps, Jeremiah Early and James Callaway, gentlemen, for the said town of New-London, in the county of Bedford; and William Miller, Matthew Harrison, Jacob Bowman, Valentine Smith, Charles Buck, Peter Stover, Isaac Hite, Leonard Baltice, John Funk and Philip Huffman, gentlemen, for the said town of Strasburg, in the county of Frederick: And the said trustees, or any three of them, respectively, shall and may, and they are hereby authorized and empowered, to make from time to time such rules, orders and directions, for the regular and orderly building the houses in the

Trustees ap-  
pointed.



said towns respectively as to them shall seem expedient, and also to settle all disputes and controversies concerning the bounds of the lots in the said towns respectively.

Vacancies  
how suppli-  
ed.

VI. And, for continuing the succession of the said trustees, *Be it further enacted*, That in case of the death of any of the said trustees, or their refusal to act, the surviving or other trustees, or the major part of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing under their respective hands and seals, to nominate some other person or persons in the place of him so dying or refusing; which new trustees, so nominated and appointed, shall from thence forth have the like power and authority in all things relating to the matters herein contained, as if he or they had been expressly named and appointed in and by this act: And every such instrument and nomination shall, from time to time, be inserted and registered in the books of the said trustees.

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## CHAP. VIII.

### *An Act for paying the Burgesses Wages in money for this present Session of Assembly.*

Burgesses  
wages paya-  
ble in mo-  
ney.

I. WHEREAS by an Act of Assembly, made in the fourth year of the reign of her late majesty Queen Anne, entitled, An Act for regulating the election of Burgesses, for settling their privileges, and ascertaining their allowances, it is, amongst other things, enacted that the allowance for Burgesses attending the General-Assembly should be as followeth, that is to say: For every Burgess coming by land one hundred and thirty pounds of tobacco and cask a day, besides the necessary charge of ferriage; and for every Burgess who could not come to the General-Assembly otherwise than by water, one hundred and twenty pounds of tobacco and cask a day; to be paid them by the county for which they serve respectively,

besides an allowance for divers days of travelling to and from the General-Assembly, as in the said act is particularly mentioned.

II. And whereas by one other act of Assembly, made in the third and fourth years of the reign of his late majesty king George the second, entitled, An Act for the better regulating the payment of the Burgesses wages, it is, amongst other things, enacted that when any session of Assembly should be thereafter held, and on examination of the Treasurer's accounts it should appear that there are monies sufficient in his hands to discharge all the debts due from the publick, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General-Assembly, leaving and reserving in the hands of the said Treasurer, over and above the said payments, a balance of one thousand five hundred pounds at the least, then every Burgess elected and serving for any county or corporation should be paid out of the publick money the sum of ten shillings for each day he should serve in the house of Burgesses, and for the days of coming to and returning from the General-Assembly, according to the first recited act, in lieu of all other demands for that service, with further allowance to the Burgesses for Accomack and Northampton, and others coming to the General-Assembly by water, as in the said act is particularly directed.

III. And whereas, by reason of the low circumstances of the Treasury, there is not sufficient in the hands of the Treasurer to discharge the wages of the Burgesses for this present session in money, according to the letter of the said last recited act; but forasmuch as the payment of the said wages in money for this present session of Assembly will be a great ease to the poorer sort of people, by lessening the levy by the poll: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of the present General-Assembly, and it is hereby enacted by the authority of the same, That the Burgesses wages for this present session of Assembly shall be paid by the treasurer on the twenty-fifth day of April next out of the publick monies in his hands, according to the directions and regulations in the said last recited act mentioned, any thing in the said act to the contrary thereof in any wise notwithstanding.*

At what  
time.



## CHAP. IX.

*An Act to dock the Entail of certain lands  
whereof Robert Carter, Esquire, is seized,  
and to settle other Lands of greater  
Value to the same Uses.*

Entail of  
certain  
lands,  
whereof Ro-  
bert Carter  
Esq. is seiz-  
ed, docked.

I. WHEREAS by one act of the General-Assembly, made in the eighth year of the reign of his late majesty King George the second, entitled, An Act to vest part of the estate of Robert Carter, Esquire, deceased, devised to Robert Carter the younger, who died in his lifetime, in Robert Carter the son, and heir of the said Robert Carter the younger, and to make provision for Priscilla Carter, the widow of the said Robert Carter the younger, and Elizabeth his daughter, Robert Carter, Esquire, the Grandson in the said act named, is seized of and in a certain tract or parcel of land called Hawkins's, containing five hundred and twenty-six acres, lying on the head of Nomony river, in the parish of Cople, in the county of Westmoreland, being one of the messuages, tenements, plantations, tracts of land, and other hereditaments, in the said act mentioned, to be devised by the last Will and Testament and Codicils of the said Robert Carter the elder to the said Robert Carter the younger, with the appurtenances, as tenant in tail-male, with divers remainders over in tail.

II. And whereas the said Robert Carter, the Grandson, is seized of six thousand and thirty acres of land on a branch of Occoquan called Bull-Run, lying in the counties of Prince-William and Loudoun, with the appurtenances, as tenant in fee-simple, and it will be for the advantage and benefit of the heir in tail to dock the entail of the said land called Hawkins's, whereby the said Robert Carter, the Grandson, may be enabled to exonerate his whole entailed estate of certain encumbrances charged thereon by the said act, and it will do no injustice to those claiming in remainder and reversion under the Will of the said Robert Carter the elder, to settle to the same uses part of the said lands whereof the said Robert Carter, the Grandson, is seized as tenant in fee simple, being of greater value than the said land called Hawkins's, exclusive

of the improvements made thereon by the said Robert Carter, the Grandson.

III. And forasmuch as notice hath been published three Sundays successively in the church of the said parish of Cople, that application would be made to this General-Assembly to dock the entail of the said land called Hawkin's, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said Robert Carter, the Grandson, that it may be enacted, and *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said tract or parcel of land called Hawkins's, containing five hundred and twenty-six acres, lying on the head of Nomony river, in the parish of Cople, in the county of Westmoreland aforesaid, be, and the same is hereby, vested in the said Robert Carter the Grandson, and his heirs and assigns, in fee-simple, to the only use and behoof of the said Robert Carter the Grandson, and of his heirs and assigns, for ever; and that part of the above mentioned six thousand and thirty acres of land, lying in the county of Prince-William aforesaid, the bounds of which part are as follow, that is to say: Beginning at a small parsimon tree, corner to a tenement now in the possession of William White, thence north fifty-one degrees west eighteen poles, thence north sixteen degrees and half a degree west eight hundred and ten poles to a double-bodied Spanish Oak on Muddy-Lick Branch, thence down the said branch to Bull-Run, thence down Bull-Run to the mouth of Stripling's Branch, thence crossing the said branch to a small ash tree near the mouth of the said branch, thence south sixteen degrees and half a degree east fifty poles to a red oak, thence south thirty-eight degrees and half a degree west to the beginning, within which bounds are included fifteen hundred acres and upwards, be, and the same is hereby, vested in the said Robert Carter the Grandson, and the heirs male of his body lawfully begotten; and on failure of such heirs the same shall remain and descend to such person and persons, in the same manner, and under the same limitations and remainders, successively, as the said land called Hawkins's would have remained and descended, by



virtue of the above-mentioned act of General Assembly, if this act had not been made.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successors, other than the persons claiming under the said act of General-Assembly, all such right, title, interest, claim and demand, as they, every, or any of them, should or might claim if this act had not been made.

V. *Provided always*, That the execution of this act shall be, and it is hereby, suspended, until his majesty's approbation thereof shall be obtained.

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## CHAP. X.

*An Act to dock the Entail of certain Lands whereof Mann Page, Esquire, is seized, and for settling other Lands and Slaves of greater value to the same Uses.*

Entail of  
certain  
lands,  
whereof  
Mann Page,  
Esq. is  
seized,  
docked.

I. WHEREAS Mann Page, late of Rosewell, in the county of Gloucester, Esquire, deceased, was in his lifetime seized of a very valuable estate in lands, lying in different parts of this colony, and particularly of and in a tract of land called Mahixon, in the parish of St. Paul and county of Hanover, containing about nine hundred and fifty acres; a tract of land called Claiborne's Neck, in the parish of St. David and county of King-William, containing about two thousand acres; and a tract of land lying near Hobb's Hole, in the county of Essex, containing about thirteen hundred and eighty acres; and being so seized he, the said Mann Page, in and by his last Will and Testament, in writing, bearing date the twenty fourth day of January, one thousand seven hundred and thirty, did, amongst other things, give and devise the said two tracts of land called Mahixon and Claiborne's Neck unto his son Ralph Page, and the heirs of his

body lawfully begotton, and in failure thereof to his son Mann Page, and the heirs of his body lawfully begotten, with several remainders over, in case of the death of the said Mann Page the son without issue; and did also give and devise, among other things, unto his said son Mann Page, and the heirs of his body, with several remainders over, in case of failure of his issue, the said tract of land near Hobbs's Hole, in the county of Essex, as in and by the said Will may more fully appear.

II. And whereas soon after the death of the said testator his said son Ralph Page departed this life, without issue, whereby the said Mann Page the son became seized in fee-taille as well of the said lands called Mahixon's and Claiborne's Neck as of the said tract in the county of Essex; and whereas by an Act of Assembly made in the eighteenth year of the reign of his late majesty King George the second, of happy and glorious memory, entitled, An Act to enable Mann Page, Esq. to sell and dispose of certain entailed lands, to raise money for the payment of his Father's debts and performance of his Will, and for other purposes therein mentioned, the said thirteen hundred and eighty acres of land in the county of Essex were, with other lands, vested in the said Mann Page the younger, in trust that he, his executors or administrators, should sell the said lands to any person willing to purchase the same, and execute all deeds and conveyances necessary in the law for assuring unto such purchaser a good estate in fee-simple therein, and apply the money arising from such sale in the first place for and towards the payment and discharge of the debts of the said testator Mann Page the younger the money then remaining unpaid, and for reimbursing the said Mann Page the younger the money by him before that time advanced towards the payment of his said Father's debts, and afterwards for and towards the payment of the several legacies given and devised by the said testator to his younger children, as in the said act more fully is contained.

III. And whereas, pursuant to the said in part recited act of assembly, the said Mann Page the younger did sell and convey the said thirteen hundred and eighty acres of land in the county of Essex to the honourable Richard Corbin, Esquire, and having applied the money to the uses mentioned in the said act



did repurchase the said lands of the said Richard Corbin, and is now seized thereof in fee-simple, and is also possessed in his own right of the following slaves, now employed on the said lands, to wit, six men, called Robin, Natt, Jack, Harry, Abraham and Roger; twelve women, called Alice, Beck, Judy, Sarah, Susannah, Phillis, Bess Rose, Alice, Winney, Hannah, and Patt; seventeen boys, called John, Lewis, John, Michael, Will, Natt, Ralph, Allen, John, Will, Ned, James, Ben, Jacob, Billy, Roger and Phill; and eighteen girls, called Kate, Sarah, Rachel, Beck, Pat, Juno, Nan, Milley, Amey, Joan, Peg, Dorinda, Fanny, Jenny, Ursilla, Unity, Phillis and Letty; and it hath been represented to this present General Assembly that it will be greatly to the advantage of the said Mann Page, and his family, to dock the entail of the said two tracts of land, called Mahixon and Claiborne's Neck, in the counties of Hanover and King-William, and to settle the said lands in the county of Essex, together with the several slaves aforesaid, to be annexed thereto, being of greater value, to the same uses.

IV. And forasmuch as notice hath been published three Sundays successively, in the several churches of the said parishes of St. Paul and St. David, that application would be made to this Assembly to dock the entail of the said two tracts of land, in the counties of Hanover and King William, and to settle other lands and slaves in lieu thereof, being of greater value, to the same uses, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said Mann Page, that it may be enacted, and *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General-Assembly, and it is hereby enacted, by the authority of the same.* That the said tract of nine hundred and fifty acres of land, called Mahixon's in the county of Hanover, and the said tract of two thousand acres of land, called Claiborne's-Neck, in the county of King William, be, and the same are hereby, vested in the said Mann Page, his heirs and assigns, to his and their own proper use and behoof, for ever; and that the said tract of thirteen hundred and eighty acres of land, near Hobbs's-Hole, in the county of Essex, together with the several slaves aforesaid, annexed

thereto, and their future increase, shall be, and the same are hereby, vested in the said Mann Page, and the heirs of his body lawfully begotten, for ever; and in default of such heirs, the same shall pass and go together to such person and persons as the said lands in the counties of Hanover and King William would have descended and come to, under the limitations in in the Will of the said Mann Page the elder, if this act had never been made.

V. Saving to the King's most excellent majesty, his heirs and successours, and all and every other person and persons, bodies politick and corporate, other than the persons claiming under the Will of the said Mann Page the elder, all such estate, right, title or interest, as they, every, or any of them, could or might claim or demand, if this act had not been made.

VI. *Provided always*, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

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## CHAP. XI.

*An Act to vest certain entailed lands therein-mentioned, in Bernard Moore, esquire, in fee-simple, and for laying out the value thereof in slaves, to be settled to the same uses.*

I. WHEREAS Thomas Todd, formerly of the county of Gloucester, deceased, was in his lifetime seized in fee of and in divers tracts of land, lying and being in the counties of King and Queen and Gloucester, and particularly of a large tract of land lying on Mattapony river, in the parish of Drysdale, and county of King and Queen, and being so seized made his last Will and testament, in writing, bearing date the fourth day of March, one thousand seven hundred and twenty-two, and thereby did, among other things, devise the said tract of land in King and Queen county to his two sons William and Philip Todd, to be equal-

Certain entailed lands vested in Bernard Moore, Esq. in fee-simple.



ly divided between them, to hold to them each a moiety as tenants in common, and to the heirs male of their respective bodies, with cross remainders to the survivor, and their heirs male of his body, in case either of them should die without such male issue, as in and by the said Will may more fully appear.

II. And whereas by the death of the said Philip Todd, without issue male, the said William Todd became seized of the whole tract of lands aforesaid, and died so seized, leaving issue Thomas Todd, gentleman, his eldest son, and heir, who is also since dead; and the said lands are descended and come to William Todd, gentleman, his eldest son, and heir male, who is also seized of divers other entailed lands, by virtue of the Will of the said Thomas Todd the elder, which he is not able to cultivate and improve, for want of slaves: And in order to purchase such slaves hath come to an agreement with Bernard Moore, of the county of King William, Esquire, to sell him three hundred and ninety acres, part of the said tract in the parish of Drysdale, lying at the upper end of the said tract, & on the south or lower side of Mattapony Run, and bounded and described in and by a plat and survey thereof made by William Parry, surveyor of the said county of King and Queen, and recorded in the Court of the said county, for which land the said Bernard Moore hath agreed to pay the sum of two hundred ninety and two pounds ten shillings, current money; and it will be to the advantage of the said William Todd, and those claiming in remainder or reversion under the Will of the said Thomas Todd the elder, to vest the said three hundred and ninety acres of land in the said Bernard Moore in fee-simple, and to lay out the said money in the purchase of slaves, to be annexed to the remaining entailed lands, and settled to the same uses.

III. And forasmuch as notice hath been published three Sundays successively, in the several churches of the said parish of Drysdale, that application would be made to this Assembly to dock the entail of the said three hundred and ninety acres of land, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said William Todd and Bernard Moore, that it may be enacted, and *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General As-*

*sembly, and it is hereby enacted by the authority of the same,* That the said three hundred and ninety acres of land, so purchased of the said William Tood, be, and are hereby, vested in the said Bernard Moore, his heirs and assigns, to his and their own proper use and behoof, for ever; and that the said two hundred and ninety-two pounds ten shillings current money shall be by the said Bernard Moore forthwith paid to John Baylor, Carter Braxton, Edmund Pendleton, Benjamin Grymes and John Syme, gentlemen, **IN TRUST**; that they, or any three of them, shall, as soon conveniently may be, lay out the same in the purchase of negroe slaves, one half of which to be female, which slaves so to be purchased shall be placed and settled on the residue of the said entailed lands, and the said trustees shall deliver in the names and number of such slaves so to be placed and settled, with an account of the purchase money thereof, into the court of the said county of King and Queen, there to be recorded; and for ever afterwards all the said slaves, and their increase, shall be annexed to the remaining entailed lands, and shall pass in descent, remainder and reversion, to such person and persons, and for such estate or estates, as the said remaining entailed lands shall or may pass or descend, by force of the said last will and testament of the said Thomas Todd the elder.

IV. Saving to the king's most excellent majesty, his heirs and successours, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successours, other than the persons claiming under the Will of the said Thomas Todd the elder, all such right, title, estate, interest, claim and demand, as they, every, or any of them, should or might claim if this act had never been made.

V. *Provided*, That the execution of this act shall be suspended, until his majesty's approbation thereof shall be obtained.



## CHAP. XII.

*An Act to vest certain lands therein-mentioned in Philip Whitehead Claiborne, gentleman, in fee-simple, and for settling other lands and slaves in lieu thereof.*

Certain  
lands vested  
in Philip  
Whitehead  
Claiborne.

I. WHEREAS Unity Dandridge, late of the county of King-William, widow, was in her lifetime, and at the time of her death, seized in fee-simple of and in several lands and tenements; and by her last will and testament in writing, bearing date the ninth day of July, one thousand seven hundred and fifty-three, did, among other things, give and devise unto her daughter Elizabeth Claiborne, the wife of Philip Whitehead Claiborne, of the said county, gentleman, during her natural life, her lands and plantations on Mill-Creek, in the parish of St. Martin, and county of Hanover, containing about eight hundred acres: also a tract of land in Blackwell's Neck, in the parish of St. Paul, and county of Hanover aforesaid, containing about four hundred acres; and a tract of land purchased by her of col. Francis West, lying in King William county, containing about four hundred acres; and the said testatrix did further direct that her said daughter Elizabeth Claiborne, at her decease, might dispose of the said lands to her children as she should think proper, and to their heirs for ever.

II. And whereas the said Philip Whitehead Claiborne is seized in fee-simple of and in a tract of land, containing about one thousand three hundred and seventy acres, lying and being in the county of Amelia, which was purchased by him of John Jones, and conveyed by deeds recorded in the said county court of Amelia; and is also possessed of the following negro slaves, to wit, a woman named Alley, and a girl named Lucy; and it will be greatly to the advantage of the children of the said Philip Whitehead Claiborne, and Elizabeth his wife, to vest the said two tracts of land in the county of Hanover, so as aforesaid devised by the said Unity Dandridge to her said daughter Elizabeth, in the said Philip Whitehead Claiborne in fee simple, and to settle the said thirteen hundred and seventy acres of land in the county of Amelia, together with the slaves aforesaid, to be disposed of by the said

Elizabeth Claiborne according to the will of the said Unity Dandridge, to which the said Elizabeth Claiborne is consenting.

III. And forasmuch as notice has been published three Sundays successively, in the several churches of the said parishes of St. Martin and St. Paul, that application would be made to this present general assembly to vest the said lands in the county of Hanover in the said Philip Whitehead Claiborne in fee-simple, and to settle the other lands and slaves in lieu thereof to the same uses, pursuant to your majesty's instructions: may it therefore please your most excellent majesty, at the humble suit of the said Philip Whitehead Claiborne and Elizabeth his wife, that it may be enacted, and *Be it enacted, by the Lieutenant Governour, Council, and Burgesses of this present General-Assembly, and it is hereby enacted by the authority of the same, That* the said lands and plantations on Mill-Creek and in Blackwell's Neck, in the said county of Hanover, devised by the said Unity Dandridge to her said daughter Elizabeth Claiborne, be, and the same are hereby, vested in the said Philip Whitehead Claiborne, his heirs and assigns, to his and their own proper use and behoof, for ever; and that the said thirteen hundred acres of land in the county of Amelia, whereof the said Philip Whitehead Claiborne is seized, together with the several slaves herein-before named, and their future increase, shall be, and the same are hereby, made liable and subject to the disposal of the said Elizabeth Claiborne, in the same manner as the said lands in the county of Hanover could or might have been disposed of under the will of the said Unity Dandridge, if this act had never been made.

IV. Saving to the king's most excellent majesty, his heirs and successours, and to all and every other person and persons, bodies politick and corporate, other than the persons claiming under the will of the said Unity Dandridge, all such right, title, interest and estate, claim and demand, as they, every, or any of them, could or might claim, if this act had not been made.

V. *Provided always,* That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.



## CHAP. XIII.

*An Act to dock the entail of certain lands whereof John West, gentleman, is seized, and vest them in trustees to be sold, and for laying out the money in the purchase of slaves, to be settled to the same uses.*

Entail of  
certain lands  
whereof  
John West  
is seized,  
docked.

I. WHEREAS Charles West, late of the county of King William, gentleman, deceased, was in his lifetime seized in fee-simple of and in a tract of land containing about four thousand acres, situate between the two branches of York river, called Mattapony and Pamunkey, and adjoining the town of Delaware, commonly called West Point, in the parish of St. John, in the county of King William; and being so seized, by his last will and testament, in writing, bearing date the twenty-eighth day of September, one thousand seven hundred and thirty-four, did devise all his lands, wherever they were, unto his mother Judith Butts, and after her decease unto his kinsman Thomas West, and the heirs male of his body lawfully begotten, for ever; and in case of failure thereof to his brother Francis West, and the heirs male of his body, for ever; as by the said will may, amongst other things, more fully appear.

II. And whereas after the death of the said testator, and of his said mother Judith Butts, the said Thomas West entered into the lands aforesaid, and died seized thereof, leaving issue John West, gentleman, his eldest son, and heir male, who is now seized of the said lands, but is not able to cultivate and improve the same, for want of slaves; and it will be greatly to the advantage of the said John West, and those claiming in remainder or reversion under the will of the said Charles West, that part of the said lands should be sold, and the money arising thereby applied in purchasing slaves, to be annexed to the residue, and settled to the same uses.

III. And forasmuch as notice hath been published three Sundays successively, in the several churches of the said parish of St. John, that application would be made to this present general assembly to dock the entail of one thousand acres of land, part of the tract

aforesaid, pursuant to your majesty's instructions: may it therefore please your most excellent majesty, at the humble suit of the said John West, that it may be enacted, and *Be it enacted by the Lieutenant Governor, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That eight hundred and twenty acres of high land, and one hundred acres of marsh, part of the tract of land above-mentioned, & bounded as followeth, to wit: beginning on Mattapony river, at the mouth of a creek called Winfrey's creek, and running up the said creek and the Hog-Pen branch to a white oak; thence south twenty-three degrees west, one hundred poles, to a white oak and red oak; thence north eighty-one degrees west, four hundred poles, to two maples, on the south side of the cypress swamp; thence up the said swamp to a corner gum saplin; thence north sixty-six degrees east, two hundred and ten poles, to a gum saplin, at the head of a small branch of Noy's branch or creek; thence down the water course of the said branch or creek through the marsh to Mattapony river, and down the said river to the beginning; with the appurtenances, be, and are hereby, vested in Bernard Moore, Peter Robinson, Philip Whitehead Claiborne and Carter Braxton, gentlemen, **IN TRUST**; and they, or any three of them, shall be, and are hereby, authorized and enabled to sell, to any person or persons willing to purchase the same, and for the best price that can be got, the said one thousand acres of land, with the appurtenances, and to execute deeds or conveyances necessary in the law for assuring unto such purchaser or purchasers a good estate in fee-simple in the said land; and such purchaser or purchasers shall afterwards peaceably and quietly have, hold and enjoy, the lands so purchased, to them, their heirs and assigns, for ever.

IV. *And be it further enacted,* That the money arising by such sale shall be by the said trustees laid out, as soon as conveniently may be, in the purchase of negro slaves, one half of which to be female; and the said slaves so purchased shall be forthwith placed and settled on the residue of the said entailed lands, and the said trustees shall deliver in the names and number of such slaves so to be placed and settled, with an account of the purchase money thereof, into the court of the said county of King William, there to be re-



corded: and for ever afterwards all the said slaves, and their increase, shall be annexed to the remaining entailed lands, and shall pass in descent, remainder and reversion, to such person and persons, and for such estate or estates, as the said remaining entailed lands shall or may pass and descend, by force of the said last will and testament of the said Charles West.

V. Saving to the king's most excellent majesty, his heirs and successours, and to all and every other person and persons, bodies politick and corporate, other than the persons claiming under the will of the said Charles West, all such right, title, interest, claim and demand, as they, every, or any of them, should or might claim if this act had never been made.

VI. *Provided always*, That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.

ANNO REGNI

**GEORGE III,**

**Regis Magnæ Britanniae, Franciae, et  
Hiberniae, secundo.**

*At a General Assembly, begun and held at the Capitol, in the City of Williamsburg, on Tuesday the 26th of May in the first year of the reign of our sovereign lord George III. by the grace of God of Great-Britain, France and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1761, and from thence continued by several prorogations to Thursday the 14th of January, 1762, in the second year of his majesty's reign; and then held at the Capitol, in the City of Williamsburg; being the second session of this General-Assembly.*

Francis Fau-  
quire, Esq.  
governour.

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CHAP. I.

*An Act for preventing Mutiny and Deser-  
tion.*

**I. WHEREAS** the act of assembly made in the thirteenth year of the reign of his late majesty King George the second, entitled, An Act for preventing mutiny and desertion, expired on the twenty-fourth day of May last, & it is necessary that the same should be revived and further continued, *Be it therefore enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted*

Act for pre-  
venting mu-  
tiny and de-  
sertion fur-  
ther conti-  
nued.



*by the authority of the same, That the said act shall be, and the same is hereby revived, and declared to be in full force, and shall continue until the first day of May next.*

*II. And be it further enacted, That the officers of the Virginia regiment shall be, and are hereby indemnified from all actions brought or to be brought against them, for any martial punishment inflicted on the soldiers of the said regiment at any time since the said twenty-fourth day of May last, in the same manner as if the said act had been in force.*

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## CHAP. II.

### *An Act for giving Recompense to the Officers of the Virginia Regiment.*

Preamble.

**I. WHEREAS** the regiment in the service of this Colony will shortly be disbanded, and the officers thereof, by their bravery, and the hardships they have undergone, have recommended themselves to their country, and therefore called on this general assembly for some recompense in consideration thereof, which deserves the attention of the publick, although it cannot in the present circumstances of the colony be proportioned to their merit, or the inclination of this assembly, *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, that as soon as the said regiment shall be disbanded, John Robinson, Esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of assembly, shall out of the money now remaining in his hands, or that shall hereafter come into the treasury, arising from bills of exchange drawn or to be drawn in pursuance of an act of assembly made in the last year of the reign of his late majesty king George the second, entitled, An act for appointing persons to receive the money granted or to be granted by the parliament of Great-Britain to his majesty for the use of this colony, pay to*

Officers of  
Virginia re-  
giment com-  
pensated, by

the several commissioned officers of the said regiment hereafter named, that is to say, the honourable colonel William Byrd, lieutenant-colonel Adam Stephen, major Andrew Lewis, captains Robert Stewart, John McNeil, Henry Woodward, Robert McKenzie, Thomas Bullet, John Blagg, Nathaniel Gist, Mordecai Buckner, captain-lieutenant William Dangerfield, lieutenants William Fleming, Leonard Price, Charles Smith, George Woodon, Jethro Sumner, John Lawson, William Woodford, Joseph Fent, John Sallard, Thomas Gist, Alexander Boyd, William Hughes, David Kennedy, Robert Johnston, Walter Cunningham, William Cocke, Alexander Menzie, Larkin Chew, Reuben Vass, and John Cameron, ensigns Henry Timberlake, Philip Love, John Sears, Burton Lucas, David Long, Alexander M'Laugham, George M'Night, and Surgeon John Stewart, <sup>one full years pay, on being disbanded.</sup> one full year's pay, over and above what shall be due to them until the disbanding the said Regiment.

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### CHAP. III.

#### *An act for paying the Burgesses wages in money for this present session of assembly.*

I. WHEREAS by one act of assembly made in the third and fourth years of the reign of his late majesty king George the second. entitled, An act for the better regulating the payment of the Burgesses wages, it is, amongst other things, enacted that when any session of assembly should be thereafter held, and on examination of the treasurer's account it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the said payment, a balance of fifteen hundred pounds at the least, then every Burgess elected and serving for any county or corporation within this do- <sup>Burgesses wages payable in money.</sup>



minion should be paid out of the publick money the sum of ten shillings for each day he should serve in the house of burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed.

At what  
time.

II. And whereas, on examination of the treasurer's accounts, it appears that there is not money sufficient in his hands to pay the Burgesses wages for this present session of assembly, leaving in the hands of the treasurer a balance of fifteen hundred pounds, according to the directions of the said act; nevertheless, as the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll, *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* that the Burgesses wages for this present session of assembly shall be paid by the treasurer out of the publick money in his hands, on or before the twenty-fifth day of April next, according to the directions and regulations in the said recited act mentioned, any thing in the said act to the contrary notwithstanding.

ANNO REGNI

GEORGI III,

Regis Magnæ-Britanniæ, Franciæ et  
Hiberniæ, secundo.

*At a general-assembly, begun and held at the capitol, in the City of Williamsburg, on Tuesday the 26th of May, in the 1st year of the reign of our sovereign lord George III. by the grace of God of Great-Britain, France and Ireland, King, Defender of the Faith, &c. and in the year of our Lord 1761, and from thence continued by several prorogations to Tuesday the 30th of March, 1762, in the second year of his majesty's reign; and then held at the capitol, in the City of Williamsburg; being the third session of this general-assembly.*

*Francis Fauquier, Esq.  
Governor.*

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CHAP. I.

*An act for granting an aid to his majesty,  
and for other purposes therein-mentioned.*

I. WHEREAS it is judged necessary that a body of forces should be immediately raised and kept up, for the security and protection of his majesty's subjects of this colony, *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same, that it shall and may be lawful to and for the officers, appointed for that pur-*

*One thousand men to be raised*



pose by the governour or commander in chief, to enlist so many men as shall be willing to enter into the said service, not exceeding the number of one thousand men, and every person so enlisting shall receive from the officer enlisting him the sum of ten pounds; and every such officer shall be allowed, over and above the rewards so to be paid by him, all his necessary expenses, in the enlisting such persons and conveying them to the place of general rendezvous.

To be formed into ten companies, and united to any forces sent to our assistance.

II. *And be it further enacted*, That the said one thousand men shall be formed into ten companies, under the command of a colonel, lieutenant colonel, major, seven captains, twenty lieutenants and ten ensigns; and there shall be allowed to the forces a chaplain, a paymaster, one surgeon, two surgeons mates, an adjutant, and a quartermaster; and shall and may, by the direction of the governour or commander in chief, be united to any forces that shall be sent to our assistance by his majesty, or any of the neighbouring colonies, and may be marched to annoy or attack the enemy, in such manner as shall be thought proper by the commanding officer of his majesty's forces in North America.

III. And whereas his majesty hath been graciously pleased to order that his troops in North America shall be filled up and completed with new recruits, and hath directed his governours of his several colonies to procure levies in their respective governments for that purpose, and this present general assembly being desirous, as much as in them lies, to contribute towards raising such recruits, are willing that it should be enacted.

268 men to be raised towards completing his majesty's regiments.

IV. *And be it therefore further enacted, by the authority aforesaid*, That it shall and may be lawful to and for the officers appointed for that purpose to enlist so many men, as shall be willing to enter into the said service, not exceeding two hundred and sixty-eight men, and every person so enlisting shall receive from the officer enlisting him the sum of ten pounds; and every such officer shall be allowed, over and above the reward so to be paid by him, all his necessary expenses in the enlisting such persons, and delivering them to the officers appointed to receive them by the commander in chief of his majesty's forces in North America.

V. *And be it further enacted, by the authority aforesaid,* That so much money as shall be necessary for defraying the charge, as well of raising, clothing, and other expences, of the one thousand men, to be raised by virtue of this act, and for their subsistence until the first day of December next, as for recruiting the two hundred and sixty-eight men hereby directed to be levied for his majesty's service, shall be paid by John Robinson, Esquire, treasurer, or the treasurer of this colony for the time being, appointed by or pursuant to an act of assembly, out of the publick money that shall come to his hands, by virtue of this act, to such person or persons as shall be directed by warrant from the governour or commander in chief of this colony for the time being, so that the sum so to be paid do not exceed in the whole the sum of thirty thousand pounds, to be accounted for to the general assembly. 30,000*l.* to be raised.

VI. And for raising the said sum of thirty thousand pounds, hereby given and granted, *Be it further enacted, by the authority aforesaid,* that an additional tax or duty of one shilling shall be paid for every tithable person in this colony, to the sheriff of the county where such person shall be enlisted, by the person enlisting the same, on or before the tenth day of April, one thousand seven hundred and sixty-four, and the like additional tax or duty shall be in like manner paid on or before the tenth day of April in the five next following years; which said additional duties shall be paid, collected and accounted for, in such manner and form, according to such rules, and under such penalties and forfeitures, as are mentioned, prescribed and appointed, in and by the several acts of assembly of this colony for the paying, collecting and accounting for, duties or taxes on tithables, heretofore laid and imposed: And that every article, rule and clause, contained in such acts, concerning the paying, collecting and accounting for, the said former duties shall be used, exercised, and put in practice for paying, collecting and accounting for, the said duties hereby imposed, as if the same articles, rules and clauses, were inserted in this act. The taxes  
Treasury notes.

VII. And whereas the taxes imposed by this act cannot be collected in time to answer the purposes hereby intended, *Be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the said



treasurer, or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury notes to answer the demands that shall be made on him for the purposes aforesaid, so as the whole sum of such notes so to be issued shall not exceed the sum of thirty thousand pounds; which several notes so to be issued shall be prepared, printed or engraved, in such form, and after such method, as the said treasurer shall judge will be most safe from Counterfeits: And two thousand of the said notes shall be of the value or denomination of five pounds, and shall be signed by Peyton Randolph and Robert Carter Nicholas, Esq's. two thousand of the said notes shall be of the value or denomination of three pounds, and shall be signed by the said Peyton Randolph and Robert Carter Nicholas; two thousand of the said notes shall be of the value or denomination of two pounds, and shall be signed by the said Peyton Randolph and Robert Carter Nicholas; five thousand of the said notes shall be of the value of twenty shillings, and shall be signed by Philip Johnson and Benjamin Waller, Esquires; five thousand of the said notes shall be of the value or denomination of ten shillings, and shall be signed by the said Philip Johnson and Benjamin Waller; six thousand seven hundred of the said notes shall be of the value or denomination of five shillings, and shall be signed by John Randolph, Esq: and six thousand six hundred of the said notes shall be of the value or denomination of two shillings and sixpence, and shall be signed by the said John Randolph.

The signers.

Where they die, or absent.

VIII. *And be it further enacted, by the authority aforesaid, That in case of the death or absence of any of them the said Peyton Randolph, Robert Carter Nicholas, Philip Johnson, Benjamin Waller and John Randolph, Esq's: before all the treasury notes shall be signed, which are herein required to be signed by such persons, in that case it shall and may be lawful for the said John Robinson, Esq. or the treasurer for the time being, appointed as aforesaid, to appoint some other person to sign such notes in the room of him so dead or absent: which signing shall be as effectual, to all intents and purposes, as if such notes were signed by the persons herein named; and publick notice of such alteration shall be given by the treasurer in the Virginia Gazette, for three weeks after such alteration shall take place.*

IX. *And be it further enacted*, that George Davenport, Peter Pelham and James Hubbard, gentlemen, shall, and they are hereby appointed, to overlook the press, during the time of printing the notes to be issued pursuant to this act; who shall use the best of their care, attention and diligence, that the number and amount of the said notes, according to the respective denominations aforesaid, be not exceeded, nor any fraudulent practice used by the printer, his servants, or any person concerned therein; and shall number and deliver such notes when printed to the persons appointed to sign the same, respectively, taking his or their receipt for the same from time to time; and that each of them shall have for their trouble therein the sum of thirty pounds, to be paid them by the treasurer for the time being: and the persons so appointed to sign the said notes shall deliver them when signed to the treasurer for the time being, appointed as aforesaid, and take his receipt for the same: and each signer shall receive of the said treasurer twenty shillings for every thousand of the said notes by them respectively signed and delivered as aforesaid; and the said treasurer shall be allowed half per centum on all the said notes by him paid away, as his salary for paying the same.

Overlooker  
of the press

X. *And be it further enacted*, That all notes so to be issued in pursuance of this act shall be redeemable on the twentieth of October, one thousand seven hundred and sixty-nine, and shall then be paid by the treasurer for the time being: and further, that all such notes shall be received, and pass as a lawful tender, in payment of any debt, duty or demand, whatsoever (except for the payment of his majesty's quitrents) from the time of issuing such notes until the time before specified for the redemption thereof at the treasury, as aforesaid; and if any person or persons shall, during the time the said notes are to remain current as aforesaid, offer to sell, or expose to sale, any goods or chattles, lands or tenements, whatsoever, and shall deny or refuse to sell the same, or demand a greater price, unless he be paid for the same in gold or silver coin, and not in the said notes; or if any person or persons shall exchange gold or silver coin for the said notes, and demand or take any allowance for the difference of the value thereof, or shall offer to buy or sell bills of exchange at a greater or higher difference of exchange for the said treasury notes than for

The currency  
of the  
notes.



gold or silver coin, or shall use any other device, means or method, whatsoever, whereby the credit of the said notes may be impaired, every person so offending shall forfeit and pay after the rate of twenty per centum on the value of the goods and chattels, lands or tenements, so offered or exposed to sale, or of the money so exchanged, or of the bills of exchange so bought or sold; to be recovered by the informer, to his own use, before any justice of the peace where the penalty does not amount to more than twenty-five shillings, and where it shall exceed that sum the said penalty shall be one half to our lord the king for the public use, and to be paid to the treasurer aforesaid, or the treasurer for the time being, appointed as aforesaid, and disposed of as the general-assembly shall direct, and the other half to the informer; and shall and may be recovered with costs, by action of debt or information, in any court of record in this

The penalty colony.

on counter-  
feiting them.

*XI. And be it further enacted, by the authority aforesaid, that if any person or persons shall forge or counterfeit, alter or erase, any such treasury note, or shall tender in payment by way of barter or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.*

in what case  
the taxes  
shall immedi-  
ately cease.

*XII. And be it further enacted, by the authority aforesaid, That the said treasurer, or the treasurer for the time being, appointed as aforesaid, shall, out of the money that shall or may come to his hands, by virtue and in Pursuance of an act of assembly passed in the thirty-fourth year of the reign of his late majesty king George the second, entitled, An act for appointing persons to receive the money granted, or to be granted by the parliament of Great-Britain to his majesty, for the use of this colony, or out of the money due to this colony for provisions from the crown, which the said treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby authorized and empowered to receive, and account for to the general-assembly, deducting a salary of one per centum for his trouble therein, pay so much thereof as shall be necessary for the redemption of the said treasury notes so to be issued, as soon as he shall receive such money; and as soon as*

the said treasury notes shall be so redeemed, the duties and taxes hereby imposed shall thereon immediately cease, and the several clauses herein contained, directing the method of paying, collecting and accounting for the same, shall thereon become altogether void and of no effect, as if this act had never been made, of which the said treasurer shall give immediate notice in the Virginia Gazette.

XIII. *And be it further enacted, by the authority aforesaid,* That the said treasurer, on the receipt of five thousand pounds either out of the money granted by parliament, or out of the money due to this colony from the crown as aforesaid, the duty or tax imposed by this act for the year one thousand seven hundred and sixty four shall cease; and in like manner, on the receipt of five thousand in either of the five other years above-mentioned, the said duty or tax for those years shall cease, whereof the said treasurer shall give the like publick notice in the Virginia Gazette.

Where part of them shall cease.

XIV. *And be it further enacted by the authority aforesaid,* That until such redemption of the said treasury notes shall be made in the manner herein before-directed, the duties and taxes by this act imposed shall stand, be and remain, as a security for the redemption of the said treasury notes so to be issued; and the said treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands, by virtue of this act, for and towards the redemption of the said notes, and to no other use, intent or purpose, whatsoever.

The taxes to stand as a security for the redemption of the notes

XV. *And be it further enacted, by the authority aforesaid,* That the said John Robinson, Esquire, treasurer of this colony, shall give such further security as shall be approved by the governour or commander in chief of this colony, in the sum of thirty thousand pounds, for the due answering and paying all the money by him received from time to time by virtue of this act, and for the due and faithful performance of his said office; and in case of his death, resignation or disability, the treasurer to be appointed in his stead shall in like manner give such further security before he enters into his said office.

The treasurer to give further security.

XVI. And whereas it will be very troublesome to the governour or commander in chief to examine and settle the accounts of the several charges and expen-

The commissioners.



ses of the said forces, *Be it further enacted, by the authority aforesaid,* That William Prentis, Thomas Everard and James Cocke, gentlemen, shall be, and they are hereby appointed, commissioners to examine, state and settle, such accounts relating to the expenses of the said regiment, as shall from time to time be referred to them by the governour or commander in chief for the time being; and each of the said commissioners shall be allowed for their trouble therein the sum of fifty pounds.

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## CHAP. II.

### *An Act for preventing mutiny and desertion.*

Preamble reciting necessity of martial law.

I. WHEREAS it is judged necessary, in this time of open war, that a number of forces should be raised and kept on foot for the safety and defence of this colony and dominion, amounting to one thousand men; and whereas no man can be forejudged of life or limb, or subject to any kind of punishment, by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this colony; yet, nevertheless, it being requisite, for the retaining such forces in their duty, that an exact discipline be observed, and that the soldiers who shall mutiny or stir up sedition, or shall desert his majesty's service, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgessses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the passing of this act, if any person, being mustered, or in pay, as an officer, or who is or shall be enlisted or in pay as a soldier, by virtue of any act of assembly, or shall during the continuance of this act voluntarily enter himself into his majesty's service as a soldier, shall at any time during such continuance of this act, within this dominion, begin, excite, cause or join in any mutiny or sedition in the company or regiment whereto

Mutiny and sedition, how punishable.

he doth belong, or in any other company, or desert his majesty's service; or being a soldier actually enlisted in any company, shall enlist himself in any other company without a discharge produced in writing from the colonel, or in his absence the chief officer commanding the regiment or company in which he last served as an enlisted soldier; or if any officer or soldier so enlisted as aforesaid shall hold correspondence with any of his majesties enemies, or give them advice or intelligence either by letters, messages, signs or tokens, or any manner or way whatsoever, or shall treat with such enemies, or enter into any condition with them, without the license of his majesty's governour or commander in chief of this dominion, or the colonel or chief officer commanding such regiment; or shall strike or use any violence against his superior officer, being in the execution of his office, or shall refuse to obey any lawful command of his superior officer; and all and every person or persons so offending, in any of the matters before-mentioned, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Desertion.

Correspondence with, or intelligence to the enemy.

II. *And be it further enacted by the authority aforesaid,* That the governour or commander in chief of this dominion may, from time to time, grant a commission, under a seal of this colony, to any officer of such regiment, not under the degree of a field officer, for holding a general court-martial within this dominion, for the trial of any officer or soldier belonging to the said forces; in which court-martial all the offences above-mentioned, and all other offences herein after specified shall be tried and proceeded against in such manner as by this act shall be hereafter directed.

Courts martial, how constituted.

III. *And be it also further enacted,* That it shall and may be lawful to and for such court-martial, by their sentence or judgment, to inflict corporal punishment, not extending to life or limb, on any soldier for immoralities, misbehaviour, or neglect of duty.

Limitation of punishment.

IV. *And it is hereby further enacted,* and declared, that no general court-martial which shall have power to sit by virtue of this act shall consist of a less number than nine, whereof none to be under the degree of a commission-officer; and that such court-martial shall have power and authority, and are hereby required, to administer an oath to every witness, in order to the examination or trial of any of the offences that shall come before them.

Number to form a court.



Oaths of officers.

V. *Provided always*, That in all trials of offenders by general courts-martial to be held by virtue of this act, every officer present at such trial, before any proceedings be had thereon, shall take the following oaths, on the holy evangelists; which shall be first administered to the presiding officer by the rest of the members present at such courts-martial, and then by the presiding officer to them, that is to say:

Forms of.

You shall well and truly try and determine, according to your evidence, in the matter now before you, between our sovereign lord the king and the prisoner to be tried.

So help you God.

I A. B. do swear that I will duly administer justice according to the rules and articles for the better government of his majesty's forces, and according to an act of assembly, entitled, An Act for preventing mutiny and desertion, without partiality, favour or affection; and if any doubt shall arise, which is not explained by the said articles or act of assembly, according to my conscience, the best of my understanding, and the custom of war, in the like cases: And I further swear that I will not divulge the sentence of the court, until it shall be approved by the governour or commander in chief for the time being, neither will I, on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law.

So help me God.

And that such court-martial shall have power to appoint a clerk to keep a register of their proceedings, to whom the president of the court shall administer the following oath to wit:

Oath of clerk

You shall swear that you will not, on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law.

How many must concur in sentence of death.

And no sentence of death shall be given against any offender in such case by any general court-martial, unless six officers present shall concur therein; and if

there be more officers present than nine, then the judgment shall pass by the concurrence of two thirds of the officers present, and no proceeding or trial shall be had on any offence but between the hours of eight of the clock in the morning and three in the afternoon, except in cases which require an immediate example.

VI. *Provided always*, That the party tried by any general court-martial in this colony shall be entitled to a copy of the sentence and proceedings of such court-martial, on demand thereof made by himself, or by other person or persons on his behalf, at any time, not sooner than five days, after such sentence whether such sentence be approved or not, any thing in this act to the contrary notwithstanding.

Person tried  
entitled to  
copy of sen-  
tence and  
proceedings.

VII. *Provided also, and be it enacted by the authority aforesaid*, That the president and other officers acting as members of any such court-martial do, and they are hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, a transcript of the proceedings and sentence of such court-martial, under their hands and seals, to the governour or commander in chief for the time being, and that execution of all and every such sentence and judgment shall be suspended until the pleasure of the governour or commander in chief be known, who, if he thinks proper, is hereby desired to issue his warrant, under the seal of the colony, for putting such sentence or judgment into execution, and to transmit the same to the presiding officer at such court martial.

Transcript  
of proceed-  
ings and sen-  
tence to be  
sent to go  
vernour.

Execution  
suspended,  
till his plea-  
sure known.

VIII. And whereas soldiers, after being enlisted, do frequently desert, and are often found wandering or otherwise absenting themselves illegally from the service: *Be it enacted, by the authority aforesaid*, That it shall and may be lawful to and for all magistrates, officers and others, who shall have reasonable cause to suspect any man to be such a deserter, to apprehend or cause him to be apprehended, and to cause such person to be brought before any justice of the peace of his county, who hath hereby power to examine such suspected person; and if, by his confession, or by the testimony of one or more witness or witnesses, on oath, or by the knowledge of the justice of peace, it shall appear, or be found, that such suspected person is an enlisted soldier, and ought to be with the company to which he belongs, such justice shall issue his

Deserters,  
how appre-  
hended



How convey ed. warrant to the next constable, requiring him to receive such deserter, and him to convey and deliver to the next constable, and so from constable to constable, until such deserter be delivered to the commanding officer of the company to which he belongs; and every constable to whom such deserter and warrant shall be produced shall execute the same, and give a receipt on the delivery of the deserter to him, under the penalty of forfeiting five hundred pounds of tobacco, recoverable before any justice of the peace, to the use of the informer.

Power and duty of constables, charged with deserters.

IX. *And be it further enacted, by the authority aforesaid,* That every constable, charged with the conducting any deserter, shall be, and is hereby empowered, to impress men and horses, where necessary, for the safe conveying the deserter or deserters wherewith he stands charged; and if such constable shall suffer such deserter to escape, he shall forfeit and pay five hundred pounds of tobacco, to the use of the informer, to be recovered in the manner herein before-mentioned.

Reward for taking up deserters.

X. And for the encouragement of any person or persons to apprehend or secure such deserters, *Be it further enacted, by the authority aforesaid,* That such justice of the peace shall give him or them a certificate thereof, and the taker up shall be entitled to two hundred pounds of tobacco, to be levied on the publick; and when any deserter shall have crossed the bay of Chesapeake, every constable to whom such deserter shall be committed shall forthwith cause him to be transported again across the bay, and delivered to a constable there, to be conveyed as is herein before-directed; and, for his trouble and charge therein, such constable shall have and receive five hundred pounds of tobacco for every deserter so transported and delivered, to be paid by the publick.

Penalty for harbouring deserters.

XI. *Provided always,* That if any person shall harbour conceal or assist, any deserter from the forces which shall be in the pay of this colony, knowing him to be such, or if any person shall knowingly buy or exchange, or otherwise receive any arms or clothes from any soldier or deserter, on any pretence whatsoever, the person so offending shall forfeit, for every such offence, the sum of twenty pounds; and on conviction by the oath of one or more credible witness or witnesses, before any justice of the peace in the county where

such offence shall be committed, the said penalties shall be levied by warrant under the hand of the said justice of the peace by distress and sale of the goods and chattels of the offender, to be paid to the informer.

XII. *And be it further enacted*, That if any action, bill, plaint or suit, shall be brought against any person or persons for any act, matter or thing, to be acted or done pursuant to this act, it shall and may be lawful for all, or any person or persons, sued as aforesaid, to plead thereunto the general issue, and to give such special matter in evidence to the jury who shall try the issue; which special matter, if pleaded, had been a good and sufficient matter in law to have discharged the defendant or defendants of the trespass or other matter laid to his or their charge.

Party sued  
may plead  
general is-  
sue, and  
give this act  
in evidence.

XIII. And forasmuch as during the continuance of this act there is, and may be, occasion for the marching and quartering of soldiers in several parts of this colony, *Be it further enacted by the authority aforesaid*, that for and during the continuance of this act, and no longer, it shall and may be lawful to and for any one justice of the peace, in any county, city or borough, within this colony, and he is hereby required, to billet the soldiers in his majesty's services in ordinaries and licensed taverns, and in no private houses whatsoever; nor shall any more billets, at any time, be ordered than there are effective soldiers present to be quartered: And in case any person shall find himself aggrieved, in that such justice of the peace has billeted in his house a greater number of soldiers than he ought to bear in proportion to his neighbours, and shall complain thereof to any two other justices of the peace of the county, city or borough, where such soldiers are quartered, such justices are hereby empowered to relieve such person, by ordering such and so many of the soldiers to be removed and billeted on such other person or persons keeping publick houses as above-mentioned as they shall see cause; and such other person or persons shall be obliged to receive such soldiers, accordingly.

Restrictions  
in billeting  
soldiers.

XIV. *And be it further enacted*, That the soldiers so billeted as aforesaid shall be received by the persons on whom they are billeted, and furnished with vinegar and salt, and the use of the fire to dress their



victuals, without demanding any reward or satisfaction for the same.

XV. *And be it enacted, by the authority aforesaid, That this act shall continue, and be in force, for and during the space of eight months, and no longer.*

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### CHAP. III.

*An act for paying the Burgesses wages in money for this present session of assembly.*

Burgesses  
wages paya-  
ble in mo-  
ney.

I. WHEREAS by one act of assembly made in the third and fourth years of the reign of his late majesty king George the second, entitled, An act for the better regulating the payment of the Burgesses wages, it is, amongst other things, enacted that when any session of assembly should be thereafter held, and on examination of the treasurer's account it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the payment, a balance of fifteen hundred pounds at the least, then every Burgess elected and serving for any county or corporation within this dominion should be paid out of the publick money the sum of ten shillings for each day he should serve in the house of burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed.

At what  
time.

II. And whereas it appears that there is not money sufficient in the treasurer's hands to pay the Burgesses wages for this present session of assembly, leaving in the hands of the treasurer a balance of fifteen hundred pounds, according to the directions of the said act; nevertheless, as the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll, *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present*

*General Assembly, and it is hereby enacted, by the authority of the same, that the Burgesses wages for this present session of assembly shall be paid by the treasurer out of the publick money in his hands, on or before the twenty-fifth day of April next, according to the directions and regulations in the said recited act mentioned, any thing in the said act to the contrary notwithstanding.*

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#### CHAP. IV.

*An act for altering the court days of the counties of Prince-William and Louisa.*

WHEREAS it is represented to this present general assembly that the court days of the counties of Prince-William and Louisa, as the same are now established, are found to be very inconvenient; therefore, for rendering the same more convenient, *Be it enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of May next, the court of the county of Prince-William shall be constantly held on the first Monday in every month, and the court of the said county of Louisa on the second Tuesday in every month; any law, custom or usage, to the contrary notwithstanding.*

Court days  
of Prince-  
William and  
Louisa al-  
tered.



## CHAP. V.

*An Act to amend an act, entitled, an act to explain the charter, and enlarge the privileges, of the borough of Norfolk, and for other purposes therein-mentioned; also one other act, entitled, an act for enlarging and ascertaining the limits of the borough of Norfolk, and for other purposes therein mentioned.*

Acts for explaining the charter, and enlarging the privileges, and limits of the borough of Norfolk amended.

I. WHEREAS by an act of assembly, made in the twenty-fifth year of the reign of his late majesty king George the second, entitled, An act to explain the charter and enlarge the privileges of the borough of Norfolk, and for other purposes therein mentioned, the court of the county of Norfolk, and the Mayor, recorder and aldermen, of the said Borough, or the major part of them, were invested with full power and authority to build on or let a certain lot or parcel of land therein-mentioned, which at the laying off the said borough had been set apart for the use of a school for the benefit of the inhabitants of the said borough and county of Norfolk, and to provide and agree with an able master for the said school, capable to teach the Greek and Latin Tongues; which said master, before he should be received or admitted to keep school should undergo an examination before the masters of the College of William and Mary, and the Minister of Elizabeth Parish for the time being, and produce a certificate of his capacity, and also a license from the governour or commander in chief of this dominion for the time being, agreeably to his majesty's instructions.

Sole right of nominating teacher for the school vested in corporation of Norfolk.

II. And whereas, in pursuance of the said act, a school-house hath been built on the said lot; but, by reason of the variety of opinions frequently happening between the justices of the said county, and the mayor, recorder and aldermen, of the said borough, in the choice of a master for the said school, and in other matters relative to the government thereof, the said school hath been greatly neglected, and the good intentions of the said act in a great measure frustrated;

*Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, that from and after the passing of this act the sole and absolute right of nominating and appointing a master for the said school, and of establishing such rules & ordinances for the good government & regulation of the said school, as may be thought necessary, shall be, and the same is hereby vested, in the mayor, recorder and aldermen, of the said borough of Norfolk, for the time being, any thing in the above in part recited act to the contrary thereof in any wise notwithstanding.*

III. And whereas by another act of assembly, made in the first year of his present majesty's reign, entitled, *An act for enlarging and ascertaining the limits of the borough of Norfolk, and for other purposes therein-mentioned, reciting, amongst other things, that a certain piece or parcel of land in the said borough of Norfolk, whereon a publick warehouse lately stood, commonly called the fort-land, was daily wasting away by the washing of the river, and that the justices of the said county of Norfolk, not having power to levy money for that purpose, and there not being sufficient in the chamber of the said borough to defray the expense of securing the same, and building a wharf and storehouses thereon, and that it would be a great benefit and advantage to the said county and borough; and that certain persons, named in a schedule thereunto annexed, had, with the consent and approbation of the justices of the said county, and the mayor, recorder, aldermen and common-council men, of the said borough, agreed amongst themselves to advance and pay the sums of money set down and expressed against their respective names in the said schedule to trustees, to be applied towards enlarging and securing the said piece or parcel of ground, and erecting a wharf and storehouses thereon, on the terms and conditions therein expressed; it was therefore enacted that certain persons therein-named should be, and they were thereby declared, nominated and appointed, trustees and directors for putting the same in execution.*

Act for disposition of Fort-land altered.

IV. *And it was further enacted, That it should or might be lawful to and for the justices of the said county of Norfolk, for the time being, or in case of*



their refusal to and for the mayor, recorder, aldermen and common-council men, of the said borough, at any time thereafter, to purchase the said land and wharf and storehouse of the said trustees and directors, and their successours, for the use and benefit of the said county or borough respectively; and the said trustees and directors, and their survivors, should, and they were thereby required, at any time thereafter, to convey the same to the said justices, or mayor, recorder, aldermen and common-council men, of the said borough, and their successours, in trust, for the benefit and advantage of the inhabitants of the said county or borough, on their reimbursing the several persons named in the said schedule.

V. And whereas the subscribers named in the said schedule have, since the passing the said act, refused to pay the respective sums of money therein-mentioned, or any part thereof, for carrying the said act into execution, unless the sole right of purchasing the said piece or parcel of land, with the wharf and storehouses proposed to be erected and built thereon, shall be vested in the mayor, recorder, aldermen and common council men, of the said borough, for the benefit of the inhabitants of the said borough only, exclusive of the other inhabitants of the said county: *Be it therefore further enacted, by the authority aforesaid, that it shall and may be lawful to and for the said mayor, recorder, aldermen and common-council men, of the said borough, for the time being, at any time hereafter, to purchase the said land, wharf and storehouses, of the said directors and trustees, or their survivors, for the use and benefit of the said borough; and the said trustees and directors, and their survivors, shall, and they are hereby required, at any time hereafter, to convey the same to the said mayor, recorder, aldermen and common-council men, of the said borough, and their successours in trust, for the benefit and advantage of the said borough, on their reimbursing the several persons named in the said schedule, their respective heirs, executors, administrators or assigns, or other legal representatives, the several sums of money by them respectively advanced and paid, any thing in the said last-mentioned act to the contrary notwithstanding.*

## CHAP. VI.

*An Act to empower the vestries of the parishes of Drysdale, in the counties of Caroline and King and Queen, and of St. Stephen, in the said county of King and Queen, to sell their glebes, and lay out the money in purchasing more convenient glebes.*

I. WHEREAS it is represented to this present general-assembly that the glebes of the parishes of Drysdale, in the counties of Caroline and King and Queen, and of St. Stephen, in the said county of King and Queen, are not only very poor and insufficient for the support and maintenance of their respective ministers, but are also inconveniently situated; and that it would be very advantageous to the ministers of the said parishes, as also to the inhabitants thereof in general, if the vestries of the said parishes were empowered to dispose of the said glebes, and to lay out the money arising from the sales thereof respectively in purchasing other lands for glebes, and erecting buildings thereon: *Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same, That the said glebe lands, with the appurtenances, be, and the same are hereby, vested in the present vestries of the said parishes of Drysdale and St. Stephen respectively, and in the respective vestries of the said parishes for the time being, in trust: nevertheless, that the said vestries, or the greater part of them, shall, by deeds of bargain and sale, sell and convey the said glebes, with the appurtenances, for the best prices that can be got for the same, to any person or persons who shall be willing to purchase them: to hold to such purchaser or purchasers, his or their heirs or assigns, for ever.*

Parishes of Drysdale, in Caroline and King and Queen, and of St. Stephen in King and Queen authorised to sell their glebe land

II. *And be it further enacted, by the authority aforesaid, That the money arising by the sales of the said glebes shall be by the said vestries respectively laid out and applied for and towards purchasing more con-*



venient tracts or parcels of land for glebes, and erecting buildings thereon, for the use and benefit of the ministers of the said parishes of Drysdale and St. Stephen respectively, for the time being for ever.

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CHAP. VII.

*An Act to dock the entail of certain lands whereof William Seward is seized, and for other purposes therein-mentioned.*

Entail of certain lands whereof William Seward is seized, docked.

I. WHEREAS Robert Caufield, formerly of the county of Surry, was in his life time seized in fee-simple of and in seventeen hundred and eighty acres of land, more or less, situate, lying and being, in the parish of Southwark, in the said county of Surry, which had been some time before granted to William Caufield his father, by two of his majesty's letters-patent, the one for twelve hundred acres, and the other for the remaining five hundred and eighty acres; and, being so seized, the said Robert Caufield, by his last will and testament, bearing date the second day of January, one thousand six hundred ninety and one, did, amongst other things, give and bequeath unto his nephew John Seward, and the heirs of his body, for ever, the above mentioned tract or parcel of land, by the description of all that dividend of land left him by his farther, situate in Hog-Island main, in the parish and county aforesaid, as by the said last will and testament of the said Robert Caufield, duly proved and recorded in the county-court of Surry, doth appear: which, by divers descents, is since become vested in William Seward, of the said county of Surry, gentleman, heir of the body of the said John Seward the devisee.

II. And whereas the said William Seward hath represented to this present general-assembly that the greater part of the said lands is very barren, and yields but a small profit to him, and is also very inconveniently situated, being divided by a creek, which

runs almost through the tract; and that it will be greatly to the advantage of himself and his posterity, and all others claiming in reversion or remainder under the will of the said Robert Caufield, if he was empowered to dispose of part of the said tract of land, and lay out the money arising from the sale thereof in other more improvable lands, together with a sufficient number of slaves to be annexed thereto, to descend and pass according to the will of the said Robert Caufield.

III. And whereas notice hath been published, three Sundays successively, in the several churches of the said Parish of Southwark, that application would be made to this present general-assembly, for an act to dock the entail of about fifteen hundred and thirty acres, part of the above-mentioned tract of land, and to vest the same in trustees, to be sold, for the purposes aforesaid, pursuant to your majesty's instructions: may it therefore please your most excellent majesty, at the humble suit of the said William Seward, that it may be enacted, and *Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, that fifteen hundred and thirty acres, more or less, part of the said tract of land, so devised by the said Robert Caufield as aforesaid, and bounded as followeth, to wit: beginning at a marked cypress tree standing on James River, near hog-island bridge; thence bounded by the river, a south-east course, to a line of marked trees, between John Holt and the said William Seward; thence along that line to Henry Seward's corner tree; thence along a line of marked trees, between the said Henry Seward and William Seward, to two marked maples on the east side of the tar-pit swamp; thence down the said tar pit swamp to the middle branch of Bandford's creek; thence down the said branch to the main creek; thence down the said creek to James River; thence up the said river to the lower mouth of hog-island creek; thence up the said creek to James River; and thence up the river to the beginning; be, and the same are hereby vested in Lemuel Riddick, John Edmunds, Hartwell Cocke, Henry Brown and Joseph Bridger, gentlemen, and the survivor or survivors of them, in trust; to be sold and disposed of by them, for the best price that can be got for the same, as soon as can be conveniently



done; and the said trustees, the survivors or survivor of them, shall, by good and sufficient deeds of conveyance in the law, convey the said fifteen hundred and thirty acres of land to the purchaser or purchasers, his or their assigns, for ever.

IV. *And be it further enacted,* That the said trustees, or the greater part of them, or their survivors, shall fairly lay out the money arising from the sale of the said lands in some other more improveable lands, and such a number of slaves to be annexed thereto as they shall judge sufficient; and they are hereby empowered and required to cause a deed or deeds to be executed for the said lands so to be purchased to the said William Seward, which said deeds shall recite the title and this act, and shall be acknowledged, or proved and recorded, in the manner prescribed by law; and the said William Seward, from, and immediately after, the executing and performing such deed or deeds, shall stand seized of the land so purchased, together with the slaves to be annexed thereto, whose names the said trustees shall cause to be recorded in the court of the said county of Surry, together with the future increase of the said slaves, to such use and uses, and of such estate: and the same shall pass in descent, reversion and remainder, according to the directions of the will of the said Robert Caufield; any thing to the contrary thereof, in any wise, notwithstanding.

V. Saving to the king's most excellent majesty, his heirs and successours, and every other person and persons, bodies politick and corporate, their respective heirs and successours, other than the persons claiming in remainder or reversion under the will of the said Robert Caufield, all such right, title, estate, interest claim and demand, as they, every, or any of them, should or might claim, if this act had never been made.

VI. *Provided always,* That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

ANNO REGNI

# GEORGE III,

Regis Magnæ Britanniae, Franciae, et  
Hiberniae, tertio.

*At a General Assembly, begun and held at the Capitol, in the City of Williamsburg, on Tuesday the 26th of May in the first year of the reign of our sovereign lord George III. by the grace of God of Great-Britain, France and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1761, and from thence continued by several prorogations to Tuesday the 2d of November 1762, in the third year of his majesty's reign; and then held at the Capitol, in the City of Williamsburg; being the fourth session of this General-Assembly.*

Francis Fauquier, Esq.  
Gouverneur

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## CHAP. I.

*An Act for directing and better regulating the elections of Burgesses, for settling their privileges, and for ascertaining their Allowances.*

**I. WHEREAS** the laws now in being for regulating the election of burgesses, and declaring the qualifications of voters at such elections, have proved defective; and it hath been found, by long experience, that frequent new assemblies tend greatly to the happiness and good government of this colony; we your majesty's most loyal and obedient subjects, the lieutenant-Preamble.



An assembly  
to be held  
once in  
three years.

governour, council and burgesses, of this present general assembly, do humbly beseech your most excellent majesty that it may be declared and enacted, and *Be it enacted, by the Lieutenant Governour, Council, and Burgesses of this present General-Assembly, and it is hereby enacted by the authority of the same.* That from henceforth a general assembly shall be holden once in three years at the least.

Writs to be  
issued, when

II. *And be it further enacted,* That within three years at the furthest from and after the dissolution of this present general-assembly, and so from time to time forever hereafter, within three years at the furthest from and after the determination of every other general-assembly, legal writs under the seal of the colony shall be issued by direction of the governour or commander in chief for the time being, in manner herein after directed, for calling, assembling and holding, a new general assembly.

Freeholders  
qualified by  
this act to  
vote.

III. *And be it further enacted, by the authority aforesaid.* That the freeholders of every county which now is, or hereafter shall be, within this dominion, qualified as is by this act hereafter directed and declared, have, and shall have, the privilege and liberty of electing two of the most able and fit men, being freeholders, qualified to vote in such county respectively; to be present, and to act and vote, as representatives of such county, in all general-assemblies to be sommoned and held as aforesaid: and that the freeholders of James City shall have the liberty of electing one burgess, to be present, act and vote, in all such general assemblies.

James City.

The qualifi-  
cation of vo-  
ters.

IV. And for settling what freeholders shall have a right to vote, *Be it further enacted, by the authority aforesaid,* That every person shall have a right to vote at any election of Burgesses for any county who hath an estate of freehold for his own life, or the life of another, or other greater estate, in at least fifty acres of land, if no settlement be made upon it, or twenty five acres, with a plantation and house thereon, at least twelve feet square, in his possession, or in the possession of his tenent or tenants, for term of years, at will or sufferance, in the same county where he gives such vote; and any person having such estate, in fifty acres of land, in one tract, uninhabited, lying in two or more counties, shall have a right to vote in that county only wherein the greater quantity

of the said land lies, although the same shall not amount to fifty acres, in either county; and every person possessed of twenty-five acres, with a plantation and house thereon, as aforesaid, lying in two or more counties, shall have a right to vote in that county only where the house shall be, and every person possessed of a lot, or part of a lot, in any city or town established by act of assembly, with a house thereon; at least twelve feet square, shall have a right to vote at such election.

V. *Provided always*, That where lands are held by several joint tenants, or tenants in common, or the interest of any such house and lot, or part of a lot, is or shall be divided among several persons, no more than one single vote shall be admitted in right of such lands, or house and lot, or part of a lot, and that only in case all the parties interested can agree; otherwise no vote shall be allowed to be given for such freehold, unless the quantity of such lands shall be sufficient to allot to such tenant fifty acres at least, if the same be uninhabited, or twenty five acres, with a house and plantation, as aforesaid. Joint tenants and tenants in common.

VI. *Provided also*, That no person shall vote for the electing any burgess in right of any lands or tenements whereof he has not been in possession, or hath had a legal title, for one whole year, next before the teste of the writ for such election, unless such lands or tenements came to such person within that time by descent, marriage, marriage settlement, or devise. Further qualifications.

VII. *And be it further enacted*, That no feme, sole or covert, infant under the age of twenty-one, recusant, convict, or any person convicted in Great Britain or Ireland, during the time for which he is transported, nor any free negro, mulatto or Indian, although such persons be freeholders, shall have a vote, or be permitted to poll, at any election of burgesses, or capable of being elected; and if any person, not being a freeholder, qualified as by this act is directed and required, shall presume to vote or poll at any such election, he shall forfeit and pay five hundred pounds of tobacco; one moiety to the king, his heirs and successors, for the better support of this government, and the contingent charges thereof; the other moiety to the informer, to be recovered with costs, by action of debt or information, in any county court of this dominion: Who are deprived of the privilege of voting.  
Penalty



Onus pro-  
bandi

And if in such suit a question shall arise whether such person be a freeholder as aforesaid or not, the *onus probandi* shall lie on the defendant.

The method  
of electing

VIII. And for the more regular and legal electing such burgesses, *Be it further enacted, by the authority aforesaid,* That the following rules and methods shall be observed to wit: the writs for the election of burgesses shall be signed by the governour or commander in chief of this dominion for the time being, with the seal of the colony affixed to them, and shall be delivered to the secretary of this colony, for the time being, forty days at least before the day appointed for the general-assembly to meet and be held; the secretary shall cause such writs to be conveyed and safely delivered to the sheriff of each county respectively, within ten days after the date thereof; every sheriff within three days after his receipt of such writ shall cause a copy thereof to be delivered to the minister and reader of every parish in his county, and shall upon the back of every such copy endorse the time and place by him appointed for the election, which shall always be at the court-house of his county, twenty days at least after his receiving such writ; every minister and reader receiving such copy and endorsement shall publish the same in his church or chapel, where they, or either of them, officiate, immediately after divine service, every Sunday, between the receipt of such copy and the day of election, and shall return the same copy to the sheriff, together with a certificate of the due publication thereof; and if at

Penalties

any time the secretary shall fail to cause the writs for electing burgesses to be safely conveyed and delivered to the several sheriffs as aforesaid, he shall forfeit and pay the sum of one hundred pounds current money for every writ he shall fail to deliver as aforesaid; and if the sheriff of any county shall fail to cause a fair copy of such writ and such endorsement thereon to be delivered to every parish minister and reader within his county as aforesaid, within the time before directed, such sheriff shall forfeit and pay fifty pounds current money; and if any minister or reader, receiving such copy, shall fail to make publication and return thereof as aforesaid, he shall forfeit and pay twenty-five pounds current money; which said several forfeitures shall be recoverable with costs, by action of debt or information, in any court of record in this dominion, wherein the same shall be cognizable; and

one moiety thereof shall be to our sovereign lord the king, his heirs and successours, for and towards the better support of this government, and the contingent charges thereof; and the other moiety to the person or persons who shall inform, or sue for the same.

IX. *And be it further enacted, by the authority aforesaid,* That after publication of such writs, and at the day and place of election, every freeholder actually resident within his county shall personally appear and give his vote, upon penalty of forfeiting two hundred pounds of tobacco, to any person or persons, who will inform or sue for the same; recoverable with costs, by action of debt or information, in any county-court of this dominion.

Freeholders under a penalty to appear and vote.

X. *And be it further enacted,* That when the election of any burgess or burgesses cannot be determined upon the view, by consent of the freeholders and candidates, the sheriff, or in his absence the under-sheriff, shall proceed to take the poll in manner following, that is to say: he shall appoint such persons as he shall think fit, who shall take an oath to be administered by such sheriff or under-sheriff, for their true and impartial taking the poll; and thereupon, having books or lists prepared for that purpose, they shall in the courthouse, and before the candidates, or their agents the present, enter the names of every candidate in a distinct list or column, and the name of every freeholder giving his vote, under the name or names of the person or persons he votes for, but no freeholder who has voted once shall be admitted to poll any more at that election. And that every person having a right to vote for two burgesses at such election shall name the two persons he votes for when he first offers to be polled, and if he refuses to name more than one at such time he shall not afterwards at that election be allowed to vote for another; and when no more freeholders appear to vote after proclamation thrice made at the courthouse door, the sheriff shall, within one hour at the most, conclude the poll.

The sheriff's duty in taking the poll

XI. *Provided always,* That where more freeholders appear at such election than can be so polled before sunseting on the day of election, the sheriff or under-sheriff shall be empowered and required, at the request of any of the candidates, or their agents, to adjourn the concluding the poll until the next day, of which notice shall be published at the courthouse door;

The sheriff's power of adjourning the poll.



Equality of  
votes.

Equality on  
a scrutiny  
before the  
house.

The test of a  
person's be-  
ing a free-  
holder.

The respec-  
tive oaths,  
&c.

and the same sheriff or under-sheriff shall, on such next day, proceed in taking and concluding the poll, in manner aforesaid: and when the poll shall be concluded as aforesaid, the person or persons appearing upon examination to have most votes shall be delivered and returned burgess or burgesses; and if two or more candidates shall have an equal number of votes, the sheriff, or in his absence the under-sheriff, being a freeholder, shall and may return which of them he thinks fit.

*XII. And be it further enacted,* That if upon a scrutiny of the poll before the house of burgesses it shall appear that the petitioner and sitting member have an equal number of legal votes, and the sheriff or under-sheriff, being a freeholder, who took the poll at such election, shall declare upon oath that if the votes had been equal at the election he would have returned the petitioner, such petitioner shall be declared duly elected, and his name inserted in the return in the room of the sitting member.

*XIII. And be it further enacted,* That every person before he is admitted to poll at such election, shall, if required by any candidate, or person appointed by any candidate, first declare whether he votes in right of fifty acres of unsettled land, twenty-five acres with a house and plantation thereon, or a house and lot, or part of a lot, in a town, and shall take one of the following oaths, as adapted to such freehold, or being one of the people called Quakers, shall declare to the same effect, that is to say: If for fifty acres of land in the same county, unseated, "You shall swear that  
" you are a freeholder in the county of                      and  
" have at least fifty acres of freehold land unseated,  
" lying and being in the said county, in your sole  
" possession, or in the possession of your tenant or  
" tenants, for years, at will or sufferance; that you or  
" such tenant have been so possessed, or that you  
" have had the legal estate thereof, for at least one  
" year last past, and that you have not been before  
" polled at this election." If for fifty acres of land in two counties, unseated, "You shall swear that  
" you have fifty acres of land unseated, lying and  
" being in the counties of                      and                      in  
" your sole possession, or in the possession of your  
" tenant or tenants, for years, at will or sufferance;  
" that you or such tenant have been so possessed, or

“that you have had the legal estate thereof, for at  
 “least one year last past, and that the greatest part  
 “of the said land doth lie in the county of  
 “and that you have not been before polled at this e-  
 “lection.” If for twenty-five acres of land, with a  
 house and plantation, in the same county, “You shall  
 “swear that you are a freeholder, and sole owner of  
 “twenty-five acres of land, with a house and plan-  
 “tation upon it, lying and being in the county of  
 “and in your sole possession, or in the  
 “possession of your tenant or tenants, for years, at  
 “will or sufferance; that you or such tenant have  
 “been so possessed, or that you have had the legal  
 “estate thereof, for at least one year last past, and  
 “that you have not been before polled at this elec-  
 “tion.” If for twenty-five acres of land, with a  
 house and plantation, in two counties, “You shall  
 “swear that you are a freeholder, and sole owner of  
 “twenty-five acres of land, with a house and planta-  
 “tion upon it, lying in the counties of  
 “and in your sole possession, or in the  
 “possession of your tenant or tenants, for years, at  
 “will or sufferance; that you or such tenant have  
 “been so possessed, or that you have had the legal  
 “estate thereof, for at least one year last past; that  
 “the house is in the county of and that  
 “you have not been before polled at this election.”—  
 If for a house and lot, or part of a lot, in a town,  
 “You shall swear that you are a freeholder of a  
 “house and lot, or a house and part of a lot, lying  
 “and being in the city or town of in your  
 “sole possession, or in the possession of your tenant  
 “or tenants, for years, at will or sufferance; that you  
 “or such tenant have been so possessed, or that you  
 “have had the legal estate thereof, for at least one  
 “year last past, and that you have not been before  
 “polled at this election.” Which oath or affirmation  
 the sheriff, or under-sheriff, taking such poll, is here-  
 by empowered and required to administer, and cause  
 the clerk attending to take the poll to enter, sworn or  
 affirmed against the name of every voter who shall  
 take such oath or affirmation, as aforesaid; and in case  
 any freeholder, or other person taking the said oath  
 or affirmation, shall thereby commit wilful and cor-  
 rupt perjury, and be thereof convicted, or if any  
 person do suborn any freeholder or other person to



take a false oath or affirmation, in order to his being polled, every such offender being thereof convicted shall suffer as for wilful perjury committed in a court of record.

Where freeholders scruple to take the oath.

XIV. And whereas some persons, being real freeholders, for want of being proper judges of their freeholds, may scruple to take the said oath, and be thereby deprived of their votes, *Be it further enacted*, that where any freeholders, qualified as is hereinbefore directed, shall offer to give his vote at any election, but being required to take the oath or affirmation aforesaid shall refuse so to do, such vote shall not be added to the poll; but the sheriff, or under-sheriff, shall cause the name of every such person, and who he votes for, to be entered in a separate list; and if there be any scrutiny of such poll before the house of burgesses, every such vote shall be allowed in the same manner as if it had been entered on the poll at the election.

Sheriff to deliver copies of the poll to the clerk of the county.

XV. *And be it further enacted, by the authority aforesaid*, That within twenty days next after every such election, the sheriff or under-sheriff, taking such poll, shall, upon oath to be administered by any justice of the peace, deliver to the clerk of his county-court, attested copies of the original poll of such election, and the list taken of such as offer to vote, but refuse to take the oath or affirmation as aforesaid, to be by such clerk recorded.

The manner of returning.

XVI. *And be it further enacted*, That after the election shall be concluded as aforesaid, the sheriff or under-sheriff taking the poll shall make return of such election, in manner following: upon the writ shall be endorsed "the execution of this writ appears in a certain schedule hereunto annexed." And in the schedule to the writ annexed, the execution thereof shall be certified as follows: "By virtue of this writ to me directed, in my full county, held at the courthouse for my said county, upon the day of in the year of the reign of by the grace of God of Great-Britain, France and Ireland, king defender of the faith, &c. by the assent of my said county, I have caused to be chosen two burgesses of my said county, to wit, A. B. and C. D. to act and do as in the said writ is directed and required;" and for the College of William and Mary, or for any city or town, the return shall be

thus: “ By virtue of this writ to me directed, I did  
 “ make publication thereof, and afterwards, to wit  
 “ upon the                      day of                      in the  
 “                      year of the reign of                      by  
 “ the grace of God of Great-Britain, France and  
 “ Ireland king, defender of the faith, &c. at the said  
 “ city (or town) of                      (or at the said col-  
 “ lege) by assent of the freeholders and other legal  
 “ electors (or the president, masters or professors) I  
 “ have caused to be chosen one burgess for the said  
 “ city (or town, or college) to wit, A. B. of  
 “ to act and do as in the said writ is directed and re-  
 “ quired. And if at any time any candidate, or other  
 “ person on his behalf, shall desire a copy of the poll,  
 “ the sheriff or under-sheriff shall cause a fair attest-  
 “ ed copy thereof to be delivered to such candidate or  
 “ person requiring the same.

When a  
 member dies

XVII. *And be it further enacted by the authority afore-*  
*said,* That when upon the death or disability of any  
 member of the house of burgesses the sheriff shall re-  
 ceive a writ for the election of one or more burgesses,  
 during the session of any general assembly, such  
 sheriff is hereby required to appoint such and so many  
 persons as he shall think fit to give notice thereof, and  
 of the day and place of election, unto every freeholder  
 residing within the county, city or town, for which  
 such election is to be; and the same shall be thereupon  
 made as soon as possible, in the manner herein before  
 directed, and the person or persons so elected return-  
 ed in form aforesaid. And if any sheriff, or in his ab-  
 sence the under sheriff, shall refuse to take the poll,  
 when required by any candidate or freeholder, before  
 the return is made, or shall take it in other manner  
 than by this act is directed, or shall refuse to give a  
 copy of the poll when required as aforesaid, or shall  
 make a false return, or fail to make return, and cause  
 the same to be delivered to the clerk of the secretary's  
 office for the time being, or to such other person as  
 shall attend in the said office to receive the same, one  
 day at least before the day in such writ limited for the  
 return thereof, every sheriff or under sheriff so offend-  
 ing or failing shall forfeit and pay one hundred pounds  
 current money; one moiety thereof to our sovereign  
 lord the king, his heirs and successours, for the better  
 support of this government, and the contingent  
 charges thereof; the other moiety to the informer, or



person who shall sue for the same; to be recovered with costs, by action of debt or information, in any court of record in this colony.

Sheriff of  
James-City,  
the return-  
ing officer  
for the col-  
lege and  
James-town.

XVIII. *And be it further enacted,* That the writs for electing burgesses at the college of William and Mary and for James town shall be delivered to the sheriff of James-City, who is hereby declared to be the proper officer for returning the said writs.

No treating  
&c.

XIX. *And be it further enacted, by the authority aforesaid,* That no person hereafter to be elected a member of the general assembly for any county, city, town or corporation, within this dominion, shall, after the dissolution of any general assembly, or after any vacancy happening in this or any succeeding general-assembly, & before his election either himself, or by any other person or persons on his behalf, and at his charge, directly or indirectly, give; present or allow, to any person or persons, having voice or vote in such elections, any money, meat, drink, entertainment or provision, or make any present, gift, reward or entertainment, or any promise, agreement, obligation or engagement, to or for any person or persons, or to or for any county, city, town or corporation, or to or for the use, benefit, employment or preferment, of any person or persons, county, city, town or corporation, in order to be elected, or for being elected, a burgess for such county, city, town or corporation; & every person so giving, promising or engaging, shall be, and is hereby declared to be disabled and rendered incapable to sit or vote as a member of the house of Burgesses; but shall be, to all intents and purposes, incapacitated, as if he had never been elected.

Members  
free in their  
persons.

XX. *And be it further enacted and declared,* That all and every member of the general-assembly is and ought to be, and forever hereafter shall be, in his and their persons, servants and estates, real and personal, free, exempted and privileged, from all arrests attachments executions, and all other process whatsoever, save only for treason, felony, or breach of the peace, during his or their attendance in general-assembly, and for the space of ten days before, and ten days after, every session; and if any civil process shall be depending against such member or members, before his or their election, such process shall be stayed for ten days before and after every session as aforesaid; but may then be prosecuted, as it might other-

wise have been, without discontinuance or abatement. And when any general-assembly shall be adjourned or prorogued longer than twenty days, process may be commenced and presented against any member or members thereof; but shall be stayed ten days before and after every session or meeting, by prorogation or adjournment, as aforesaid.

XXI. *And be it further enacted, by the authority afore-* The allowan-  
*said,* That every burgess shall be allowed and paid by his county fifteen shillings a day for coming to, attending at, and returning from, every session of assembly; and, over and above the said daily allowances, there shall be paid and allowed for going to and returning from the general-assembly as followeth, to wit: To every burgess for the counties of James City, York, Warwick, Elizabeth city, New Kent, Gloucester, Charles City, Surry and Isle of Wight, one day for coming, and one day for returning; to every burgess for the counties of Henrico, Chesterfield, Nansemond, Sussex, Southampton, Norfolk, Prince-Anne, King William, Prince-George, King and Queen, Middlesex and Essex, and to the burgesses of the borough of Norfolk, two days for coming, and two days for returning; to every burgess for the counties of Lancaster, Amelia, Richmond, Caroline, Goochland, Hanover, King-George, Cumberland, Dinwiddie and Brunswick, three days for coming, and three days for returning; to every burgess for the counties of Accomack, Northampton, Northumberland, Westmoreland, Stafford, Spotsylvania, Louisa and Prince-Edward, four days for coming, and four days for returning; to every burgess for the counties of Prince-William, Fauquier, Culpeper, Orange, Albemarle, Buckingham, Bedford, Lunenburg, Fairfax and Loudoun, five days for coming, and five days for returning; and every burgess for the counties of Augusta, Amherst, Frederick, Halifax & Hampshire, six days for coming, and six days for returning; but no burgess shall demand or receive any salary or wages for any day or days he shall fail to attend his service in the house of burgesses, Sundays excepted; and if any burgess shall be taken sick or lame, during his attendance on any session, or in his journey thereto, so as to be unable to attend, such burgess shall be allowed and paid for every day of the session, in the same manner as if he had attended the service of the house.



When paid  
in money.

XXII. *And be it further enacted, by the authority aforesaid,* That when any session of assembly shall be held, and upon examination of the treasurer's accounts it shall appear that there are monies sufficient in his hands to discharge all the money debts due from the publick, together with the burgesses wages, and the salaries and allowances to the respective officers of the general-assembly, that then the burgesses wages, for such session, according to the regulations before-mentioned, and the wages for the attendance of every burgess for any city, town or corporation, at fifteen shillings per day each, shall be paid by John Robinson, Esquire, treasurer, or the treasurer for the time being, appointed by or pursuant to act of assembly, out of the public money in his hands.

Wages upon  
an adjourn-  
ment.

XXIII. *Provided always,* That where the assembly shall be adjourned for more than twenty days, in that case the burgesses attending such assembly shall be paid their wages to the time of such adjournment, either by their counties, or the treasurer, according to the rules and regulations aforesaid, in the same manner as if such assembly was prorogued.

Court of  
claims.

XXIV. *And be it further enacted, by the authority aforesaid,* That at the time and place of election of burgesses; for any county, the sheriff, or in his absence the under sheriff, of such county, respectively, at the door of the courthouse, by proclamation to be there three times made, between the hours of one and three of the clock in the afternoon, shall give public notice of the time appointed for a court to be held for receiving the propositions and grievances, and the publick claims, of all and every person and persons within his county; which propositions and grievances shall be signed by the person or persons presenting the same to the court, and thereupon the clerk, by the direction of the court, shall certify the same to the general assembly, and shall deliver the same to the burgesses of the county, to be by them presented accordingly: And in like manner a court for receiving and certifying propositions and grievances, and publick claims, as aforesaid, shall be appointed and held in each county respectively, before every session of the general assembly; and the sheriff of the county is hereby required to cause publick notice to be given of the time appointed for the holding such court, at every respective church and chapel within his county.

XXV. And whereas it hath been found inconvenient, and may prove of evil consequence, if any member of the house of burgesses should except of the office of sheriff, or of any place of profit, in this government, or if any sheriff, under-sheriff, or inspector of tobacco, should be elected and allowed to sit and vote as a member of the house of burgesses: *Be it further enacted, by the authority aforesaid,* That any person who now is, or hereafter shall be, sheriff or under-sheriff of any county, or inspector of tobacco at any of the publick warehouses, during the time he shall be inspector, and for two years next after he shall be out of office, shall not be capable of sitting and voting as a member of the house of burgesses; and a writ shall issue for electing a new member in his stead, in the same manner as if such person was naturally dead: Nor shall any such inspector of tobacco, during the time aforesaid, presume to intermeddle or concern himself with any election of a burgess or burgesses, otherwise than by giving his vote, or endeavour to influence any person or persons to give his or their vote, under the penalty of fifty pounds; one half to our sovereign lord the king, his heirs and successours, for and towards defraying the contingent charges of this government, and the other moiety to the informer; to be recovered with costs, by action of debt or information, in any court of record within this dominion.

Perons exempted from being members.

Sheriffs and inspectors of tobacco.

XXVI. And every member of this present, or any future house of burgesses, during the time of his being so, shall be exempted from being made or appointed sheriff; and if any member of the house of burgesses shall accept any office of profit whatsoever in this government, or hold the same in his own name, or in the name of any other person in trust for him, or for his use and benefit or shall execute by himself or his deputy any such office or place, such person shall be incapable of sitting or voting as a member of the house of burgesses, and a writ shall issue for electing a new member in his stead, in the same manner as if he was naturally dead; but such person shall be capable of being re-elected, and thereupon admitted to his place in the house of burgesses.

No member to accept an office of profit.

XXVII. *Provided always,* That nothing in this act shall be construed to hinder the legal electors of the city of Williamsburg, the borough of Norfolk, and the college of William and Mary, from choosing a repre-

The boroughs to elect according to their charter.



sentative in general assembly for the said city, town or college; but they, and each of them, shall and may continue so to do, according to their charters of incorporation, and the laws now in being, in the same manner as if this act had never been made.

The duration of this and future assemblies.

XXVIII. *And be it further enacted, by the authority aforesaid, That from hence-forth no general assembly whatsoever that shall at any time hereafter be called, assembled or held, shall have any continuance longer than for seven years at the furthest; to be accounted from the day on which, by the writs of summons, the said general-assembly shall be appointed to meet: And that this present general assembly shall cease and determine on the twenty-sixth day of May, 1768, unless the governour or commander in chief of this dominion for the time being shall think fit to dissolve it sooner.*

Repealing clause.

XXIX. *And be it further enacted, That all and every other act and acts, clause and clauses, heretofore made, as to so much thereof as is contrary to any thing within the purview of this act, be, and the same is hereby repealed.*

The suspending clause.

XXX. *Provided always, That the execution of this act shall be, and is hereby suspended, until his majesty's approbation thereof shall be obtained.*

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## CHAP. II.

*An Act for further amending and further continuing the act for amending the staple of tobacco, and preventing frauds in his majesty's customs.*

Warehouses at Occoquan, and Yeocomico, discontinued and new ones established, at Colchester and the new landing.

I. WHEREAS the warehouses erected for the reception of tobacco at Occoquan, in the county of Fairfax, and at Yeocomico, in the county of Westmoreland, are in a ruinous condition, and inconveniently situated, and it is represented to this present general-assembly that it would be more advantageous to trade, and convenient to the inhabitants of the said counties,

if the said warehouses were discontinued, and new warehouses erected at the town of Colchester, in the said county of Fairfax, and at the new landing, on the land of Jeremiah Garland Bailey, in the said county of Westmoreland; and whereas it is also represented that a new inspection is necessary to be established at Bolingbroke, on the land of Robert Bolling, gentleman, between the towns of Blandford and Petersburg: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, that from and after the tenth day of March next the warehouses at Occoquan and Yeocomico aforesaid shall be discontinued, and new warehouses erected on the lots No. forty two, six and twenty-nine, the property of Benjamin Grayson, gentleman, in the said town of Colchester, and at the new-landing, on the land of Jeremiah Garland Bailey, in the county of Westmoreland, and also that a new warehouse shall be erected at Bolingbroke, on the lands of the said Robert Bolling.*

Bolling-  
broke ware-  
houses in Pe-  
tersburg es-  
tablished.

II. *And be it further enacted, by the authority aforesaid, That it shall and may be lawful to and for the courts of the respective counties of Fairfax and Westmoreland to order and direct the several proprietors of the lands on which new warehouses are by this act directed to be built, at the new-landing, on the land of Jeremiah Garland Bailey, and Colchester, to erect, build, and completely finish, by or before the said tenth day of March next, such and so many strong, close, and substantial houses, as shall be sufficient, in their opinions, conveniently to contain one half of the quantity of tobacco mentioned in the accounts of the respective inspectors at Occoquan and Yeocomico this present year, and also for the court of the said county of Dinwiddie; to order such houses to be built by the proprietor at Bolingbroke, sufficient to contain at least one thousand hogsheads of tobacco, and to secure the said houses in the manner directed by one act of assembly made in the first year of the reign of his present majesty, entitled, An act for amending and further continuing the several acts of assembly of this colony for amending the staple of tobacco, and preventing frauds in his majesty's customs; and the said courts shall also take bonds, with sufficient securities, in reasonable*



penalties, payable to his majesty, his heirs and successors, with conditions for the due performance of such buildings.

Rents of  
warehouses.

III. *And be it further enacted*, That there shall be paid and allowed to the respective proprietors of the said warehouses, for the rents thereof, eightpence per hogshead for every hogshead of Tobacco that shall be received, inspected, and delivered out of such warehouses, respectively; and that there shall be paid to the several inspectors appointed to attend, and attending accordingly, the several warehouses, the salaries herein after-mentioned, that is to say: to each of the inspectors at Colchester, forty pounds; at Quantico, sixty pounds; at Bolingbroke, fifty pounds.

Salaries at  
certain ware-  
houses alter-  
ed.

IV. *And for the more equal settlement of the salaries of the several inspectors, at the warehouses hereafter-mentioned: Be it farther enacted by the authority aforesaid*, that the same be established for every inspector according to the following rates, that is to say: to each of the inspectors at Shocoe's, sixty pounds; at Byrd's, sixty pounds; at the Brick House, thirty pounds; at Littlepage's, thirty pounds; at Hunting-creek, forty pounds; at Royston's, sixty pounds; at Fredericksburg, sixty pounds; at Blandford, fifty pounds; at Constance's, forty pounds; at the New-landing, on Yeocomico, and Rurst's forty pounds; at Mattox and Machotax, forty pounds; at Page's and Crutchfield's, sixty pounds; at Gray's-creek, thirty-five pounds; at John Bolling's, forty-five pounds; at Rocky-ridge, seventy pounds; at Osborne's, seventy pounds; at Wicocomico, forty pounds; at Meriwether's, forty five pounds; at Warwick, in the county of Chesterfield, sixty pounds; at Acquia, forty pounds; at Falmouth, fifty pounds; and at Dixon's, fifty pounds.

Inspectors  
when to at-  
tend at ware-  
houses.

V. *And whereas the time now by law appointed for the attendance of inspectors, at the warehouses under their charge, has been found inconvenient to the publick: Be it further enacted by the authority aforesaid*, that all inspectors shall constantly attend their respective warehouses from the first day of October to the tenth day of August, yearly (except Sundays, and the holidays usually observed at Christmas, Easter and Whitsuntide, or when hindered by sickness) and afterwards they, or one of them, shall constantly attend at the same (except Sundays) to deliver out to-

bacco for exportation, until all the tobacco remaining there on the tenth day of August shall be delivered; and every inspector neglecting to attend as aforesaid shall forfeit and pay to the party aggrieved twenty shillings for every neglect, or shall be liable to the action on the case of the said party aggrieved, to recover all such damages which he or she shall have sustained by occasion of any such neglect, together with his or her full costs, at the election of such party.

VI. *And be it further enacted by the authority aforesaid,* That all such inspectors shall, at the court held for their county, in the month of September yearly, or if there be no court in that month, then at the next court held for their county, lay before the court an account, upon oath, of all the transfer notes that were not by them taken in and received before the said first day of September; and thereupon the like proceedings shall be pursued, for the disposing of such tobacco, as are prescribed, directed and appointed, in and by the said act for amending the staple of tobacco, and preventing frauds in his majesty's customs.

When to account for transfer.

VII. *And be it farther enacted,* That the notes of the several warehouses hereafter-mentioned shall pass in payment of all levies, quitrents and officers fees, payable in the counties following, that is to say: of the warehouses at Shocoe's, Byrd's, Rocky-ridge, Crutchfield's, Page's and Meriwether's, in the county of Amherst; and Shocoe's, Byrd's, Rocky-ridge and Warwick, in the county of Buckingham; at Rocky-ridge, Warwick, Osborne's, Bermuda-Hundred, Bollingbroke, John Bolling's, Robert Bolling's & Blandford, in the county of Amelia; at Jordan's in the county of Dinwiddie.

Currency of certain notes

VIII. *And be it further enacted,* That the notes at Bollingbroke shall pass in all the counties where the notes of Robert Bolling's Warehouses are payable, and the notes of Byrd's and Shocoe's shall also pass in Louisa county, and at Colchester, in the counties of Prince-William and Fauquier.

IX. *And be it further enacted,* That the said last mentioned act, together with the several other acts of assembly of this colony for amending the same, except so much thereof as comes within the purview of this act, shall continue, and be in force, from and after

Continuance of acts.



the expiration thereof, for and during the term of two years, and from thence to the end of the next session of assembly.

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### CHAP. III.

*An Act for amending and further continuing the act for the better regulating and disciplining the Militia.*

Preamble.

I. WHEREAS the act of assembly made in the thirtieth year of the reign of his late majesty king George the second, entitled, An act for the better regulating and disciplining the militia, which was continued by another act made for that purpose in the thirty-second year of his said late majesty's reign, will expire on the eighth day of June next, and it is necessary that the said act should be further continued, with some amendments:

Exemptions.

II. *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act the several persons herein after-mentioned shall be, and are hereby declared, to be free and exempt from appearing or mustering either at the private or general musters of their respective counties, that is to say: All his majesty's justices of the peace within this colony, who have qualified themselves for their offices by taking the oaths by law appointed to be taken by justices of the peace, and who are really and bona fide acting justices of their respective counties (except such as now do, or hereafter shall, bear any commission as officers of the militia in their respective counties) all persons bred to and actually practising physick or surgery, and all inspectors at the publick warehouses appointed for the inspection of tobacco; and they shall not be subject or liable to any fine, forfeiture or penalty, for absenting themselves from the same.*

III. *Provided always*, That the persons so exempted from mustering shall provide complete sets of arms, as are by the said act required for soldiers, for the use of the county, city or borough, wherein they shall respectively reside; and if they shall fail or refuse so to do, within one year after the passing of this act, then it shall and may be lawful for the courts of the several counties, city or borough, wherein the the persons before-mentioned shall reside, and they are hereby empowered and required, to levy the value of such arms on each of them respectively.

Such exemptions to find arms.

IV. *Provided also*, That nothing herein contained shall be construed to oblige any of the persons exempted from mustering as aforesaid, who have already provided arms for the use of the county, city or borough, wherein they reside, according to the directions of the said act.

Not to extend to former exemptions

V. *And be it further enacted, by the authority aforesaid*, That every person so exempted shall always keep in his house or place of abode such arms, accoutrements, and ammunition, as are by the said act required to be kept by the militia of this colony; and if he shall fail or refuse so to do he shall forfeit and pay the sum of five pounds, to be levied and assessed on him in the same manner as the several fines and forfeitures inflicted by the said act are directed to be levied and assessed: And such exemptions shall also, in case of any invasion or insurrection, appear with their arms and ammunition at such place as shall be appointed by the commanding officer of the militia of their respective counties, cities or boroughs, and shall then be incorporated with, and be subject to the same discipline, rules and orders, and also the same fines, forfeitures and penalties, for non-appearance or misbehaviour, as the other militia of this colony are subject to.

Such exemptions to keep arms.

VI. *And be it further enacted, by the authority aforesaid*, That from and after the passing of this act the lieutenant, or chief commanding officer, of the militia of the several counties of this colony, and also of the city of Williamsburg and borough of Norfolk, shall cause a general muster of the several companies of their militia once only in every year, to be in the months of March or April; and that a general court-martial shall be held in the manner by the said act prescribed, on the day next following the said general muster, if fair (if not the next fair day) and if any sol-

General muster.



dier shall at any general or private muster refuse to perform the command of his officer, or behave himself refractorily or mutinously, or misbehave himself at such court-martial, he shall forfeit and pay the sum of forty shillings current money, to be applied to the same uses as the other fines and forfeitures inflicted by the said act; or it shall and may be lawful to and for the chief commanding officer then present to cause such offender to be tied, neck and heels, for any time not exceeding five minutes, and shall not inflict any other corporal punishment.

Williams-  
burg.

VII. And whereas it hath been doubted whether the sheriffs of York and James City are by law obliged to obey the orders of the courts-martial of the said city of Williamsburg, in receiving or collecting the fines to which the inhabitants of the said city may be subject, by virtue of the said act: *Be it therefore enacted, by the authority aforesaid*, that from & after the passing of this act it shall and may be lawful to and for the courts-martial to be held in pursuance of the said act to order and direct either the sergeant of the said city, or the sheriffs of the said counties of York and James-City, to receive and collect all such fines as shall be inflicted and ordered to be levied by them on such of the inhabitants of the said city as shall reside in their respective precincts; and thereupon the said serjeant or sheriff, respectively, shall proceed in the same manner to collect such fines, and shall be accountable for them to the courts-martial of the said city, and shall be subject and liable to the same prosecution, in case of their failing, neglecting or refusing, to collect the said fines, as are prescribed, directed and appointed, in the like cases, for the counties of this colony.

Continuance

IX. *And be it further enacted, by the authority aforesaid*. That this act, together with the said recited act, except so much thereof as comes within the purview of this act, shall continue and be in force from and after the said eighth day of June next, for and during the term of four years, and from thence to the end of the next session of assembly.

## CHAP. IV.

*An Act for further continuing the act for reducing the several acts for making provision against invasions and insurrections into one act.*

I. WHEREAS the act of assembly made in the thirtieth year of the reign of his late majesty King George the second, entitled, An act for reducing the several acts for making provision against invasions and insurrections into one act, will expire on the eighth day of June next, and it being necessary and expedient that the said act should be further continued: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same, that the said act of assembly shall continue, and be in force, from and after the said eighth day of June next, for and during the term of two years, and no longer.*

Act providing against invasions and insurrections further continued.

## CHAP. V.

*An Act for the better and more regular collecting the publick taxes.*

I. WHEREAS great frauds have been committed by the sheriffs in collecting the taxes imposed on lands, tithables and wheel carriages, for the support of the present war, and it is necessary that such frauds should be prevented, and an effectual method established for discovering the same: *Be it therefore enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That every owner or proprietor of lands within this colony, and in case of nonage the guardian of such owner or proprietor, or where there shall be no guardian the ex-*

Taxes on tithables, lands, and carriages, how laid and collected.



ecutor or administrator in whose possession any lands belonging to his testator or intestate shall be, or where such owner or proprietor shall not be an inhabitant of this colony, his or her agent, attorney or overseer, shall at the time appointed to take the list of tithables, according to the directions of an act of general-assembly made in the twenty-second year of the reign of his late majesty king George the second, entitled, an act concerning tithables, deliver to one of the justices appointed to take such list of tithables, by the court of the county wherein such lands shall lie, an exact list of his or her lands, according to the quantity mentioned in the patent or deed, or other writing or conveyance under which such owner or proprietor holds the same, if no part of such land hath been sold or transferred to any other person; but if any part thereof hath been sold or transferred as aforesaid, then according to the remaining quantity of such lands in the possession of such owner or proprietor; or in case the quantity of the said lands cannot be ascertained by such patent, or other writing, then according to the quantity for which the quitrents have been heretofore paid and accounted.

List of lands to be given in, with list of tithables.

Penalty for failure.

II. And if any owner or proprietor of lands, or in case of nonage any guardian, or where there shall be no guardian any executor or administrator, in whose possession any lands belonging to his testator or intestate shall be, or the agent, attorney or overseer, of persons residing out of the colony, shall fail to enlist his or her lands as aforesaid, every person so failing shall be adjudged a concealer, and shall forfeit and pay twenty shillings for every hundred acres of land so by him or her concealed; and it shall, moreover, be lawful for the sheriff or collector, and he is hereby required, to collect, levy, and account for the taxes, due for the land so concealed, in the same manner as if the said lands had been enlisted, according to the directions of this act: provided always, that where any person holds lands in one tract, lying in two or more counties, such person may enlist such lands in the county where the greatest quantity shall lie.

Carriages how listed.

III. *And be it further enacted, by the authority aforesaid,* That every owner of a coach, chariot, or other four-wheeled carriage (waggon excepted) and every

owner of a two-wheeled chair or chaise, shall, at the time appointed to take the lists of tithables as aforesaid, deliver to one of the justices appointed to take such lists in the county where such owner shall reside, a list of every coach, chariot, or other wheeled carriage, to him or her belonging, as aforesaid; and every owner of such wheel carriage, who shall fail to enlist the same as aforesaid, shall be adjudged a concealer, and shall forfeit and pay three pounds for every four wheel carriage, and thirty shillings for every two-wheel chair or chaise, so by him or her concealed.

IV. *And be it further enacted, by the authority aforesaid,* That every justice taking the lists of lands and wheel carriages as aforesaid, shall deliver the same, together with the list of tithables, to the clerk of his county-court, who shall set up such lists in the court-house of his county, according to the directions of the said recited act, and for the purposes therein mentioned; and if any justice shall fail to take and return the lists of lands and wheel carriages in his county as aforesaid, he shall forfeit and pay one hundred pounds for every such failure. Duty of justice taking lists.

V. *And be it further enacted, by the authority aforesaid,* That the several clerks of the county-courts shall deliver to the grand-jury, at every court to be held in the month of November, during the continuance of this act, a list of the lands, tithables, and wheel-carriages, taken in his county that year; and the presiding justice then present in court shall charge the grand-jury to examine the said list, and to present every concealer of land, tithables and wheel-carriages, as aforesaid; and upon such presentment such court shall order such owner, proprietor, guardian, attorney or overseer, as the case may be, to be summoned to appear at the next court, to answer such presentment; and upon such summons being returned executed, the court may proceed to hear, determine, and give judgment, as to them shall seem just, without the solemnity of a jury. Clerk to lay lists before grand-jury.  
Duty to present delinquents.

VI. And whereas it has been doubted whether the jurisdiction of such court will extend to persons not residing within their county, *Be it enacted by the authority aforesaid,* that such court may proceed against any person or persons so presented by the grand-jury for any penalty inflicted by this act, in the same man- Jurisdiction of court.



ner as if such person or persons did actually reside within their county.

Clerk to re-  
turn lists of  
tithables,  
lands & car-  
riages, to  
treasurer.

VII. *And be it further enacted, by the authority aforesaid,* That every county court clerk shall, before the last day of November in every year, make out and deliver, or cause to be delivered, to the treasurer of this colony for the time being, a fair and exact list of the tithables, lands and wheel-carriages, taken in his county; distinguishing upon such lists, in an alphabetical order, and in proper columns for that purpose, the owners or proprietors names, the number of tithables, quantity of lands, and the number and sorts of wheel carriages, belonging to every such owner or proprietor, respectively; and such clerk shall also deliver, before the time aforesaid, another such list to the sheriff of his county.

Penalty for  
neglect.

VIII. *And be it further enacted by the authority aforesaid,* That every county-court clerk who fails to perform the duty by this act required of him, shall, for every such failuer, forfeit and pay twenty-five pounds.

Allowance to  
clerks.

IX. *And be it further enacted, by the authority aforesaid,* That the courts of the several counties shall allow in their county levy, annually, four hundred pounds of neat tobacco to the clerks of their courts for their trouble in making out and delivering the lists to the treasurer, as aforesaid.

Taxes on  
lands not  
listed, how  
collected.

X. *And be it further enacted, by the authority aforesaid,* That if, upon examination of the said lists, the treasurer of this colony shall discover any lands for which the taxes have not been paid, according to the directions of the acts of the general-assembly imposing the same; he shall, and is hereby required to direct the clerk of the treasury to make out lists of all such lands, and to transmit the same to the sheriffs of the several counties wherein such lands shall lie; and the said sheriffs shall, and they are hereby empowered and required to collect and levy the arrears of all such taxes upon the persons who ought to pay the same, according to such lists, and to account and pay such taxes to the said treasurer, in the same manner as the other publick taxes are to be paid.

Remedy of  
high sheriff,  
against his  
deputy, by  
motion.

XI. *And be it further enacted, by the authority aforesaid,* That where the sheriff of any county heretofore hath, or hereafter shall appoint, any person to be his under-sheriff, to collect the taxes within his county, and such under-sheriff shall neglect or refuse to ac-

count for and pay the taxes by him collected, on or before the tenth day of June in every year, it shall and may be lawful for the general court, or court of the county whereof he is sheriff, upon a motion to them made by such sheriff, to give judgment against such under-sheriff, and his security, for all the money and tobacco wherewith he shall be chargeable, and thereupon to award execution: Provided, that such under-sheriff and security have ten days previous notice of such motion.

XII. *And be it further enacted, by the authority* Fines, how appropriated. *aforesaid, That all and every the fines and penalties, in this act inflicted, shall be one moiety thereof to his majesty, his heirs and successours, to be paid to the treasurer of this colony, appointed by or pursuant to an act of assembly, for the use of the publick; and the other moiety to the person who shall inform, or sue for the same; and may be recovered, by action of debt or information, in any court of record within this colony.*

XIII. *And be it further enacted, That so much of the several acts heretofore made for collecting the taxes herein-mentioned, as is contrary to this act, be, and the same is hereby repealed.*

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## CHAP. VI.

### *An Act for raising a Publick Levy.*

I. *BE it enacted, by the Lieutenant-Governour, Council, & Burgesses, of this present General Assembly, and it* Taxes for 1762. *is hereby enacted, by the authority of the same, That seven pounds of tobacco be paid by every tithable person within this dominion, for the defraying and payment of the publick charge of the country, being the publick levy from the sixth day of March, one thousand seven hundred and sixty-one, to the second day of November, one thousand seven hundred and sixty-two; and that it be paid by the collectors of the several counties to the several persons and counties, respectively, to whom it is proportioned by this general assembly.*



And if it shall happen that there shall be more tithables in any county than the present levy is laid on, then the county shall have credit for so much, to the use of the county; and if fewer tithables in any county, then the county shall bear the loss.

II. *Provided always*, That where any allowance is made in the book of proportions to any county, to be paid in the same county, no more per poll shall be collected from the tithables of such county than will discharge the balance, after such allowance shall be deducted; and that every county court shall regulate the levy accordingly.

Sheriff to  
give bond.

III. *And be it further enacted, by the authority aforesaid*, That the sheriff of every county shall, at the court of his county, to be held in the months of January or February next, give bond and security for the due collection and payment of the publick levy, now laid and assessed.

Arrearages  
of taxes, in  
certain coun-  
ties, how  
collected.

IV. And whereas there are several balances due to the publick from the following counties, to wit:

The county of King and Queen,	6985
The county of Middlesex,	9931
The county of Northumberland,	9314
The county of Richmond,	3972
The county of Surry,	2409
The county of King William,	10,144
The county of Nasemond,	6778
The county of Prince Edward,	2657
The county of Southampton,	7809
The county of Sussex,	1284
And the county of Westmoreland,	6752

Pounds of tobacco; as appears by the book of proportions: *Be it further enacted, by the authority aforesaid*, That the sheriff of each of the said counties above mentioned shall sell the respective quantities of tobacco levied in his county, as a depositum for the use of the publick, to the highest bidder, at the court of his said county, to be held in the month of August next after such tobacco shall become due, and pay the money arising from such sale to the treasurer of this colony for the time being, on or before the 25th day of October thence next following; and if any sheriff shall neglect or refuse to pay the money arising from the sale of such tobacco, according to the directions aforesaid, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff, on a

motion made to them by the treasurer, to give judgment against such sheriff, and his securities, for all the money arising on the sale of such tobacco, and thereon to award execution.

V. *Provided*, That such sheriff and securities, have ten days previous notice of such motion.

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## CHAP. VII.

*An Act to repeal an act made in the twenty-second year of his late majesty's reign, entitled, An Act concerning strays, and to establish a more effectual method to prevent frauds committed by persons taking up strays.*

I. WHEREAS the act of assembly made in the twenty-second year of the reign of his late majesty, entitled, an act concerning strays, hath been found ineffectual to answer the purposes for which it was intended, and great frauds have been committed, under colour of the said act, by ill-disposed people, in taking up and concealing stray horses from the knowledge of the proprietors, and afterwards advertising them by false and imperfect descriptions, so as to make them their own property, under pretence of pursuing the directions of the said act: *Be it therefore enacted by the Lieutenant Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same*, that the said act of assembly, entitled, an act concerning strays, shall be, and the same is hereby, repealed and declared void, to all intents and purposes.

Preamble.  
Repealing clause.

II. *And be it further enacted, by the authority aforesaid*, That every person within this colony and dominion who are by this act permitted and allowed, and shall hereafter take up any stray horse, mare or colt, shall immediately carry the same before some justice of the peace of the county where such stray

Method to be pursued in taking up strays.



shall be taken up, and make oath before such justice that the same was taken up at his plantation or place of residence in the said county, and that the marks or brands thereof have not been altered since the taking up thereof; and then such justice shall take a particular and exact description in writing of the marks, brands, stature, colour and age, of such horse, mare or colt, together with the place of abode of the taker up, which shall be by such justice transmitted to the clerk of the court of such county, in ten days after the same is taken, who shall enter the same in a book to be by him kept for that purpose; and that the taker up shall pay to such clerk ten pounds of tobacco for making such entry, to be paid and collected in the same manner as his other fees are by law directed to be collected: And every such person who shall hereafter take up any neat cattle, sheep, goat or hog, shall cause the same to be viewed by some freeholder of the county where the same shall happen, and shall immediately go with such freeholder before a justice of the said county, and make oath before him that the same was taken up at his plantation or place of residence in the said county, and that the marks or brands of such stray have not been altered or defaced since the taking up; and then such justice shall take from such freeholder, upon his corporal oath, a particular and exact description of the marks, brands, stature, colour and age, of every such neat cattle, the mark and colour of every such sheep, goat or hog, which description shall in like manner be transmitted by such justice to the clerk of his county, and be by him entered in such book; and the taker up shall pay to such clerk five pounds of tobacco for every head of neat cattle, and three pounds for every sheep, goat or hog, for entering such description in such book; to be paid and collected as aforesaid; and every such clerk shall, moreover, cause a copy of every such description to be publickly affixed at the court-house of his county, on two several court days next after the same shall be transmitted to him. And for a reward for taking up, there shall be paid by the owner five shillings for every horse, mare, colt, and head of neat cattle, and one shilling for every sheep, goat, or hog.

III. *And be it further enacted, by the authority aforesaid, That if no owner shall appear, after notice twice published at the courthouse as aforesaid, the*

taker up shall make application to some justice of his county, who is hereby required thereupon to issue his warrant to any three honest freeholders of the neighbourhood, who, after taking an oath before the said justice for that purpose, shall view and appraise such stray; and the property thereof shall, within six months after such appraisment, be vested in the taker up, where the valuation does not exceed twenty shillings: but it shall and may be lawful, nevertheless, for the former owner thereof, at any time afterwards, either to demand and recover such stray, or the valuation money, deducting the reward for taking up, and the clerk's fees; and where the valuation exceeds twenty shillings, the taker up shall send a description of such stray, certified by the clerk to the printer, within one month after such valuation and appraisment, together with the name of the county and place of residence, to be advertised four times in the Virginia Gazette, for which the printer may demand and take two shillings for every stray horse, mare, colt, or head of neat cattle, mentioned in such advertisement, for the first, and one shilling for every advertisement thereafter, and no more, and one shilling for every hog or sheep so advertised. And if no owner shall claim such stray, within six months after such publication, the property shall be vested in the taker up; but it shall in like manner be lawful for the former owner thereof, at any time afterwards, upon proving his property, to demand and recover such stray, or the valuation money, upon paying the reward for taking up, and the clerk's and printer's fees. And every person taking up any stray, and failing to carry the same, if a horse, mare or colt, before a justice as aforesaid, or if any other stray, failing to cause a description thereof to be given to a justice, in manner aforesaid, in ten days after taking up the same, or failing to send a description thereof certified by the clerk to the printer, within the time and according to the directions of this act, or making use of any such stray before the same shall be appraised as aforesaid, shall forfeit and pay ten pounds to the owner thereof, recoverable with costs before any justice of the county where the offence shall be committed, and moreover shall be liable to the action of such owner, and upon conviction shall pay double damages.

Printers allowance.

Penalty for using strays before the directions of this act are pursued.



Boats adrift,  
&c.

IV. *And be it further enacted, by the authority aforesaid.* That if any person whatsoever, whether he be a freeholder, tenant for years, or otherwise, shall take up any boat or other vessel adrift, he shall in like manner cause the same to be viewed by some freeholder of the county where the same shall be taken up, and shall immediately go with such freeholder before some justice of the county, and make oath when and where the same was taken up, and that the marks thereof have not been altered or defaced since the taking up; and then such justice shall take from such freeholder, upon oath, a particular and exact description of such vessel, and the burthen and built thereof, and thereupon the like proceedings shall be pursued towards publishing at the courthouse, appraising and advertising the same in the Virginia Gazette, and the taker up shall be entitled to the same rewards, and be subject to the same fines & forfeitures, to be recovered and appropriated in the same manner, as are herein before directed, prescribed and appointed, with respect to stray horses.

Where a  
stray shall  
die.

V. *Provided always,* That if, after notice published as aforesaid, any stray shall happen to die or get away before the owner thereof shall make claim and prove his or her right, the taker up shall not be answerable for the same; and if any person not being a freeholder, or tenant by lease, for the term of three years at least, shall presume to take up any stray, or if any such freeholder, or tenant for years, shall take up any such stray at any other place than on his own plantation, or at his place of residence, so as to claim the reward hereby given, he or she shall for every offence forfeit and pay five pounds to the owner thereof, recoverable with costs before any justice of the county where the offence shall be committed; and upon failure of payment, or giving security for payment in one month after conviction, every such offender shall, by order of such justice, receive thirty-nine lashes on his or her bare back, well laid on.

Suspending  
clause.

VI. *Provided always,* That the execution of this act shall be, and is hereby suspended, until his majesty's approbation thereof shall be obtained.

## CHAP. VIII.

*An Act for relief of insolvent debtors, for the effectual discovery and more equal distribution of their estates.*

**I. WHEREAS** by an act of assembly passed in the Preamble. twenty-second year of the reign of his late majesty King George the second, entitled, an Act declaring the law concerning executions, and for relief of insolvent debtors, provision is made for relief of insolvent persons, who shall be taken or charged in execution, on such person or persons delivering his or her whole estate, upon oath, to the use of his or their creditors, as by the said act directed, shall be discharged in manner thereby provided; and whereas it is equally reasonable that all debtors should pay their just debts, and on surrendering all their effects, without fraud or embezzlement, to be distributed among their creditors, such debtors should be freed from all claims for the same: *Be it therefore enacted, by the Lieutenant Governour, Council, & Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the first day of June next it shall be lawful for any debtor or debtors to tender and deliver to any two or more of his, her or their creditors, a true schedule of his, her or their, whole estate, by him, her or them, subscribed, and make oath (or being a quaker, affirm) to the effect following, that is to say: “ I A. B. do upon my corporal  
 “ oath, in the presence of ALMIGHTY GOD, solemnly  
 “ swear, profess and declare, that the schedule now  
 “ delivered, and by me subscribed, doth contain, to  
 “ the best of my knowledge and remembrance, a full,  
 “ just true and perfect, account and discovery of all  
 “ the estate, goods and effects, unto me anywise be-  
 “ longing, and such debts as are to me owing, or to  
 “ any person in trust for me, and of all securities and  
 “ contracts whereby any money may hereafter be-  
 “ come payable, or any benefit or advantage accrue to  
 “ me, or to my use, or to any other person or persons  
 “ in trust for me; and that I, or any person or per-  
 “ sons in trust for me, have not any other land, mo-  
 “ ney, stock or estate, real or personal, in possession,  
 “ reversion or remainder; and that I have not, direct-

The oath,  
 schedule and  
 discharge, of  
 insolvents.



“ly or indirectly, sold, lessened, or otherwise disposed of, in trust, or concealed, all, or any part of, my lands, money, goods, stocks, debts, securities, contracts, or estate, whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors to whom I am indebted, in anywise whatsoever. So help me God.” Which oath shall be made before the court of that county, city, town or corporation, wherein such debtor lives; and such schedule, subscribed in open court, shall remain with the clerk of such court, for the better information of creditors, and shall contain a true and perfect list of all such persons lands, slaves, stock, monies, goods, debts, and other estate or effects, whatsoever; his or her necessary wearing apparel, and utensils of trade, and the necessary wearing apparel of such debtor’s wife and children, only excepted: And in case any such person shall commit wilful and corrupt perjury, or remove, conceal or embezzle, any part of his or her estate, real or personal, to the value of ten pounds current money, with intent to defraud his or her creditors, such person, being thereof lawfully convicted, shall be deemed and adjudged guilty of felony, and shall suffer as a felon, without benefit of clergy; and such felon’s goods and estate shall go and be divided among his or her creditors, any law, usage or custom, to the contrary, notwithstanding.

Assignees to  
be appointed.

II. *And be it further enacted*, That the creditors to whom such tender shall be made, shall receive the same, and secure the estate in such schedule contained, in the best manner they can, and shall forthwith cause notice thereof to be published in the Virginia Gazette, and continued as long as shall be necessary; in which notice the creditors of such insolvent person, or their agents, shall be required to meet within ninety days at a certain day and place, in the county, city, town or corporation, where the debtor lives, to prove their respective debts, and choose assignees; and the creditors then present, or the major part of them, shall nominate and appoint, under their hands and seals, any two of themselves to be assignees; who, having accepted such trust, shall respectively take an oath to the effect following, that is to say: “I *A. B.* do swear that I will faithfully, impartially and honestly, according to the best of my skill and know-

“ledge, execute the several powers and trusts reposed in me, as an assignee of the estate and effects of  
 “and that, without favour or affection, prejudice or malice. So help me God.” And thereupon all lands, tenements and hereditaments, in such schedule contained, for such use, interest, right or title, as such debtor or debtors then shall have in the same, which he; she or they, may lawfully depart withal, or dispose of; and all slaves, goods and chattels, whatsoever, in such schedule contained, & also all outstanding debts, and all the estate, real or personal, of such debtor, in possession, reversion or remainder, and all his or her effects whatsoever, at the time of executing such schedule, though not therein-contained, shall be, and are hereby declared, to be vested in the assignees appointed as aforesaid, as fully and amply, to all intents and purposes, as the same were vested in such debtors at the time of surrendering his or her estate upon oath as aforesaid; and such assignees, and in case of death or legal disability the survivor or remaining assignee, is and are hereby authorized, empowered and required, to sell and dispose of the same to any person or persons whatsoever, within three months after their being appointed and sworn, by publick auction, to the highest bidder, at such place or places as such assignees or assignee shall think proper, upon twelve months credit, taking good security of the respective buyers, and publishing notice of the day and place of sale, by advertisements affixed in publick places, in the same and the counties adjacent to the debtor’s late place of abode, and in the Virginia Gazette, at least one month before, and continuing the same until the day of sale: and the monies arising by such sale, deducting necessary charges, and five *per centum* for their trouble, shall be by such assignees or assignee applied and disposed of to the uses limited by this act, and to no other use, intent or purpose, whatsoever.

III. *And be it further enacted*, That the neat produce arising upon surrender, sale or recovery, of the estate of any insolvent debtor, shall be by the respective assignees or assignee paid or distributed among the several creditors of such insolvent person, in proportion to the debts due to them, who shall have duly proved their respective debts; and if any overplus shall arise after all debts paid, such overplus shall be paid

The distribution of the insolvent’s effects.



or redelivered to the debtor whose estate it was, or to his executors or administrators, for his or their own use.

How creditors are to act.

IV. And for the better direction of assignees in the management and execution of the trust reposed in them, and that all creditors may have time to come in and prove their debts, *Be it further enacted*, that within six months after assignees are appointed and sworn, in pursuance of this act, every creditor residing within this colony shall deliver to the respective assignees of his or her debtor's estate an account in writing, by him or her subscribed, and shall make oath and swear before the said assignees, or before the court of that county where such creditor lives (or, being one of the people called Quakers, make solemn affirmation) that the sum contained in such account is justly and *bona fide* due to him or her, after all due credits given and allowed, to the best of his or her knowledge, and shall subscribe the same; which oath the said assignees, or the justices of such court, are hereby empowered and required to administer, and certify upon such account; and no claim or demand shall be received or allowed until such oath or affirmation made, subscribed and certified; and every creditor failing or neglecting to deliver such account, within the time aforesaid, shall lose his or her whole debt, and be utterly excluded from any share or dividend to be made by virtue of this act, and shall be forever afterwards barred from recovering any judgment for such debt against the debtor or his estate.

Foreign creditors.

V. And whereas it is reasonable and just, as well as necessary, for the support of publick credit, that creditors residing in Great Britain, or other foreign parts, should have benefit of this act, if they think fit: *Be it therefore further enacted*, that all such creditors may transmit their respective claims or demands, duly proved, to their agents in this colony, which being produced to the assignees, at any time before dividend made, shall be by them received, and being found legally proved, certified, and justly due, shall be allowed, and such creditors thereupon entitled to his, her or their, respective share or dividend of the debtor's estate, in manner and proportion by this act provided for other creditors.

No dividend before twelve months.

VI. *Provided always*, That no such dividend shall be made until twelve months at least after sale of such insolvent debtor's estate.

VII. *Provided also*, That every debtor may and shall have liberty to disprove any claim or demand made or brought against him, or his estate; and it shall be lawful for the assignees to allow all just discounts against any demand made by any person, though such demand be duly proved, as by this act required: and where it shall appear to the acting assignees that there hath been mutual trust given by the debtor and any other person, or mutual debts, the said assignees, or any other person or persons by them appointed, shall and may state the accounts, and one debt may be set against another; and what shall appear to be due on the balance of such account, and no more shall be allowed or paid. Discounts.

VIII. And whereas many abuses may be committed by pretended creditors, *Be it further enacted*, That if any person shall swear (or, being one of the people called Quakers, solemnly affirm) before the acting assignees, or in open court, that any sum of money is due to him or her which is not really due or owing, or that more is due than is really due or owing, knowing the same not to be due or owing, and that such oath or affirmation is false and untrue, and being thereof convicted by indictment or information, such person shall suffer the pains and penalties of wilful and corrupt perjury, and shall moreover forfeit and pay double the sum so sworn or affirmed to be due or owing; to be recovered in the name of the assignees, by action of debt or information, in any court of record of this dominion, with costs, and to be divided among the other creditors of the person against whose estate such oath or affirmation shall be made. Pretended creditors.

IX. And for preventing frauds and collusive practices, *Be it further enacted*, That every debtor surrendering his estate and effects, in manner by this act directed, shall also deliver to the acting assignees all his books, papers and accounts, upon oath (or, being a quaker, upon affirmation) and shall personally attend the meeting of his or her creditors, to choose assignees, and at any other time or times by such assignees required, and shall submit to be examined upon oath or affirmation, and to answer interrogatories touching or concerning his or her estate and effects, real and personal, when in what manner, to whom and upon what consideration, he or she disposed of conveyed or transferred the same, to any per- Insolvents to deliver up their whole estate, and to attend the assignees.



son or persons whatsoever, and how, or upon what consideration, any claim or demand brought against him or her accrued or become due, to the best of his or her knowledge: and if he or she shall refuse or neglect to attend, or to answer upon oath or affirmation, or shall give a false answer, knowing the same to be false and untrue, the persons neglecting or refusing to answer shall lose and be excluded from all benefit of this act; and the person wilfully giving or making any false answer, knowing the same to be false and untrue, and being thereof convicted upon indictment or information, shall suffer the pains and penalties of wilful and corrupt perjury.

Collusive  
bonds, &c.  
avoided.

X. *And be it further enacted*, That every mortgage, judgment, bond, bill, contract or other security, whatsoever, given or entered into by any insolvent person to his or her creditor, or to any other person, not being a creditor, or in trust for such creditor, or other person, for more than the just debt really and *bona fide* due and owing from such debtor or insolvent person, at the time of his or her entering into, or giving such judgment, mortgage, bond, bill, or other security, with intent thereby to defraud the other creditors, shall be wholly void, and such judgment may be reversed; and the party or parties sued on such mortgage, bond, bill, contract, or security, shall and may plead the general-issue, and give this act and the special matter in evidence, and thereupon judgment shall pass for the defendant, and shall have his full costs, any law, custom or usage, to the contrary notwithstanding.

Creditor ac-  
cepting such  
bonds to lose  
debt, &c.

XI. And the creditor taking or accepting such mortgage, judgment, bond or security, whatsoever, shall lose his whole debt, and be utterly excluded and barred from any share or dividend of such insolvent person's estate; and if any creditor, or other person, not being a creditor, shall fraudulently take or accept any deed or conveyance of lands, tenements or hereditaments, or any monies, slaves, or other estate or effects whatsoever, in trust, for the use of an insolvent debtor, and shall not within six months after assignees of such insolvent debtor's estate appointed and sworn, give notice thereof to such assignees, but knowingly conceal the same, the party or parties so accepting and concealing shall forfeit and pay double the value of the estate or effects so concealed; to be

recovered with costs, in the name of the acting assignees, in any court of record of this dominion, by action of debt or information, and to be applied to the use of the creditors of such insolvent debtor, in like manner as other effects are by this act directed to be applied and divided: and in case any person or persons whatsoever, other than the party or parties in whose hands the same shall be found, shall inform or give notice to the acting assignees of any estate or effects belonging to an insolvent debtor, and concealed, the informer shall be entitled to a reward of ten *per centum*, out of the whole sum recovered and received by the assignees, upon or by means of such information; to be paid by the assignees, recovering and receiving the same, to such informer, for his or her own use.

The informer of concealed goods &c. to have ten per cent.

XII. *And be it further enacted*, That every person and persons, who at the time of an insolvent's delivering a schedule of his estate and effects to his creditors, and publick notice given thereof, shall be indebted to, or have the custody of any money, estate or effects, belonging to such debtor, shall forthwith give notice thereof, and pay or deliver the same to the assignees which shall be appointed in pursuance of this act, or to their order, and to no other person or persons whatsoever, under penalty of being liable as a concealer; and in case of suit brought for such estate effects, the defendant may plead the general issue, and give this act, and the special matter, together with the assignees receipt, in evidence, whereupon verdict and judgment, shall be given for the defendant, and he shall have full costs.

Persons possessed of insolvents effects to deliver them to the assignees.

XIII. *And for the better enabling insolvent persons to make full and clear discovery of their estates and effects, and that unfortunate people may not be long imprisoned, which can be no benefit, but may be a disadvantage, to their creditors, Be it further enacted, by the authority aforesaid*, That from the time any person shall actually surrender his or her estate, and deliver a schedule thereof, as by this act required, every such person shall be free from arrests, restraint or imprisonment, at the suit of any of his or her creditors, for and during the space of ninety days, and for such further term or time as shall be allowed and certified by the assignees appointed upon such surrender; and the creditors receiving such schedule, & the said assignees, are hereby respectively authorized and em-

An insolvent acting agreeable to this act to be exempted from arrests, &c.



powered to grant unto such person, without fee or reward, one or more certificate or certificates, under their respective hands and seals, certifying that the person therein-named hath surrendered his or her estate, and in all things conformed to this act, by virtue whereof he or she is to be free from all arrests, restraints or imprisonment, at the suit of any of his or her creditors, for and during the time therein limited, which may be renewed and continued from time to time by the acting assignees, as they shall see cause; and such certificate being proved before the court of that county, city, town or corporation, wherein such debtor lives, shall be recorded; and the clerk of such court is hereby required to issue under his hand, when demanded, one or more copy or copies of such certificate, which being produced to the officer who shall arrest the person, thereby privileged, and giving such officer a copy thereof, he or she shall be forthwith discharged, and in case any officer shall nevertheless detain him or her, such officer shall forfeit and pay to the party detained, for his or her own use, twenty shillings for every day such officer shall detain him or her, to be recovered in any court of record of this dominion, with full costs of suit; and where any insolvent person shall be in custody or execution before such certificate obtained, it shall and may be lawful for any justice of the peace of any county, city, town or corporation, within this colony, upon petition of such prisoner, by warrant under his hand and seal, whereof notice shall be given to the party or parties, his or their executors, administrators, attorney, or agents, at whose suit such prisoner shall be imprisoned, to require the sheriff, gaoler, or keeper of any prison within his jurisdiction, to bring before the justices of the peace, at the court to be held next after the date of the said warrant for such respective county, city, town or corporation, the body of any person being in prison as aforesaid, together with a list of the several writs or executions with which he or she is or are charged, which warrant every such sheriff, gaoler or keeper, is hereby commanded to obey; and such prisoner shall before the justices, in open court, subscribe and deliver in a schedule of his or her whole estate upon oath, as by this act is before directed, to the use of his or her creditors, or shall make it appear to the satisfaction of such court that he or she

hath already delivered such schedule to his or her creditors, according to the directions of this act; and thereupon it shall be lawful for the said justices, or any four of them, by their warrant, to command such sheriff, gaoler or keeper, forthwith to set at liberty such prisoner, which warrant shall be a sufficient discharge to such sheriff, gaoler or keeper, and shall indemnify him or them against any escape or escapes, action or actions, whatsoever, which shall or may be brought or presented against him or them by reason thereof, and such prisoner shall be accordingly forthwith discharged, without fee or reward, under penalty of twenty-shillings, to be paid by every officer who shall detain him or her after such warrant produced, for every day he or she shall be so detained, to be recovered as aforesaid by the party detained, and such officer shall moreover be liable to the action of the party aggrieved; and if any action shall be commenced against any sheriff, or other officer, for performance of his duty in pursuance of this act, the defendant may plead the general issue, and give this act, and the special matter, in evidence, and upon nonsuit, or judgment for the defendant, he shall have double costs.

XIV. And that evil-minded persons may not, to the prejudice of creditors, abuse the liberty by this act intended to such debtors only, as do and shall in all things conform thereto: *Be it further enacted*, That if any person obtaining such certificate or warrant of freedom from arrests, restraint or imprisonment, shall afterwards abscond or conceal him or herself, or shall remove or endeavour to remove and escape out of this dominion, he or she shall lose and be barred of all protection and benefit intended by this act; and it shall be lawful for the respective assignees, or any creditor or creditors of such person, or their or any of their agents, accompanied by a constable or other officer, at any time afterwards, to seize and retake the body of such debtor so concealed, escaped, or endeavouring to escape, and to bring him or her before any justice of the peace, for the county, city, town or corporation, where he or she shall be retaken; and every justice of the peace, before whom such prisoner shall be brought, shall be, and is hereby authorized and empowered, by warrant under his hand and seal, reciting the cause of commitment, to command the sheriff, gaoler or prison-keeper, of such

Where an  
insolvent ab-  
sconds,



respective county, city, town or corporation, to receive the body of such prisoner so retaken, and him or her safely keep in his custody, without bail or mainprize, until he or she shall be thence discharged by due course of law. And such prisoner so concealed or escaped, or endeavouring to escape, and so retaken, shall be proceeded against as a felon; and being thereof lawfully convicted, shall be deemed and adjudged guilty of felony, and shall suffer as a felon, without benefit of clergy; and his or her estate shall go, and be divided, among his or her creditors. And if any sheriff, or other officer, having such prisoner in custody, shall voluntarily or negligently suffer him or her to escape, or if any other person or persons shall wilfully aid, counsel, assist or rescue; such prisoner, knowing him or her to be an insolvent debtor, within the meaning and construction of this act, every sheriff or officer so suffering an escape, and every other person knowingly aiding, counselling, or assisting such debtor to remove, escape, or conceal him or herself, or rescuing such prisoner, shall be liable for all debts from him or her due and owing at the time of such escape, concealment or rescous; which shall and may be recovered with costs, by action of debt, in the name of the assignees of such debtor, for the use of his or her creditors, in any court of record of this dominion.

Assignees to keep a book of their proceedings.

XV. And to the end assignees may faithfully discharge their trust, and may not delay dividing and paying the monies or effects lodged in their hands for the use of creditors, *Be it further enacted, by the authority aforesaid,* That every person and persons chosen assignee or assignees of the estate and effects of any debtor, by virtue and in pursuance of this act, and accepting such trust, shall execute the same in all things as by this act required and directed, and not otherwise; and shall from time to time enter, or cause to be entered, in a book for that purpose, just and true accounts of all their receipts, disbursements and payments, and also all claims proved and allowed, how and to whom due, all sales by them made, with the names of the respective buyers and securities, and how the clear produce of the estate in their hands is divided, proportioned and paid, to the several creditors respectively, and also the receipts given by such creditors, or their agents, upon payment thereof, and all their proceedings from time to time during the

continuance of their authority and trust; to which book the debtor, and every creditor, having proved his debt, or the agent of such creditor, shall, at all seasonable times, have free resort, and inspect the same as often as they think fit; and a true copy of such book shall be by such assignees subscribed, and delivered upon oath, in open court, before the justices of that county, city, town or corporation, wherein the debtor's estate was sold, to be recorded: and the said assignees shall, within eighteen months after their appointment, make a final dividend of the clear produce of the debtor's estate and effects in their hands, and pay to every creditor respectively his or her just proportion or share thereof, as by this act directed, out of the monies received, or securities taken, upon sale, when by such creditor, his or her agent, after expiration of the said eighteen months, demanded, the party receiving the same giving a receipt; and thereupon the said assignees, having *bona fide* executed the trust in them reposed, according to the directions and true intent and meaning of this act, shall be, and are hereby declared to be indemnified and discharged from all future claims or demands for or concerning such estate; and their authority and trust shall cease and be determined; but in case any assignees or assignee shall delay to make such dividend, or to pay the same as aforesaid, after expiration of the time by this act limited, or shall not render just and true accounts as by this act directed and required, all and every such assignees and assignee so delaying, or not rendering true accounts, their and every of their respective heirs, executors and administrators, shall be liable to the action of every creditor claiming under such assignment, for his or her debt and damages, and shall moreover forfeit and pay to the party aggrieved by such delay ten *per cent.* upon the sum to him or her due, to be recovered with costs by the party aggrieved, his or her executors or administrators, in any court of record of this dominion.

The assignees duty

XVI. *Provided always*, That if at any time before or after final distribution made as aforesaid, any other estate or effects belonging to an insolvent person before his surrender shall be discovered or found, the same shall be, and is hereby vested in the assignees of such insolvent person's estate, to be by them, or the survivor of them, demanded, sued for, and recovered, in any court of law or equity, in the same

When an insolvent's effects are found before or after distribution.



manner and right as such insolvent person might or could sue for and recover the same; and out of the monies arising thereby, the assignees or assignee receiving the same shall pay to the party making such discovery a reward of ten *per cent.* on the money received for his or her own use, and the residue shall be distributed and paid to and among the respective creditors in manner and proportion aforesaid: and where any estate, real or personal, shall be found mortgaged by an insolvent debtor, at any time before his or her becoming insolvent, and surrendering his or her estate as aforesaid, if such mortgage be redeemable, the assignees may, if they think fit, and they are hereby authorized and empowered to tender the principal sum and interest, if any due thereon, for the payment whereof such estate was mortgaged, to the party or parties to whom the mortgage was made, who is, and are hereby required to accept the money so tendered, and to restore and deliver up the estate so mortgaged, together with the deed or deeds of the mortgager, unto the said assignees, which estate so mortgaged and redeemed shall from thenceforth be, and is hereby vested in the assignees redeeming the same, for the use and benefit of the respective creditors; and such assignees shall and may, and are hereby empowered and required to sell, and convey to any person or persons whatsoever, all the estate, real and personal, so redeemed, and all the right, title and interest, of such debtor in or to the same, or any part thereof, as fully and amply as such debtor might or could lawfully do, which sale shall be made upon notice given, and twelve months credit, in manner by this act before directed, and the clear profits arising by such redemption and sale accounted for distributed, and paid in like manner and proportion, to and among the respective creditors of such mortgager. And in case any mortgagee shall refuse to accept such tender, and thereupon to deliver up any redeemable estate, as by this act required, the assignees making such tender shall and may, by virtue of this act, at any time, recover the same, and shall have, and be entitled to, the same methods and rights of recovery, to all intents and purposes, at the common law, or in equity, as the mortgager might have or be entitled to; and every court of record of this dominion is hereby authorized and declared to have and take cognizance and jurisdiction thereof.

XVII. *And be it further enacted by the authority aforesaid,* That all deeds and conveyances for lands, tenements, hereditaments, or other estate, whatsoever, by assignees duly made and executed, upon sale thereof for a valuable consideration, paid or secured in pursuance and according to the directions of this act, and recorded, shall be good and effectual in law for conveying and transferring the use, property, and all the estate, right, title and interest, of the insolvent person whose estate it was, unto the party or parties, to or for whom such deed or conveyance shall be so made, executed and recorded, and to and for such use or uses as shall be therein limited or expressed; and such party or parties, and his, her, or their heirs and assigns, shall and may at all times thereafter, by virtue of this act, respectively have, hold, possess and enjoy, all the estate by such deed or conveyance sold and conveyed, as fully and amply to all intents and purposes, as if such deed or conveyance had been legally made and executed by the person or persons whose estate it was, free and clear of all claim or demand of such person or persons, or any claiming under him, her or them, any law, custom or usage, to the contrary notwithstanding.

The conveyances made by the assignees to be valid.

XVIII. *And to encourage all debtors to make full and effectual discovery and surrender of their estates,* and that such unfortunate persons may not be wholly destitute of support for themselves and families: *Be it further enacted, by the authority aforesaid,* That it shall be lawful for the assignees, upon petition of the debtor surrendering his or her estate, to allow such petitioner, out of his or her effects, such maintenance and support, from time to time, until final dividend made, as to the assignees, considering the circumstances of the petitioner's family and estate, shall appear fit and necessary; and where, upon final settlement of the estate and effects of any insolvent debtor, who shall in all things have conformed to the direction of this act, the clear produce thereof, after all charges, and the allowances herein before and after mentioned deducted, shall be sufficient to pay the creditors who have proved their debts ten shillings in the pound, then the sum of five pounds *per centum* shall be allowed to such debtor out of the neat produce of all the estate recovered in and received; and where the estate shall be found sufficient to pay twelve

The allowance to the insolvent.



The insolvent's certificate.

Where he shall be sued after obtaining certificate.

Those only who conform to this act entitled to the benefit of it.

shillings and sixpence in the pound, an allowance of seven pounds ten shillings *per centum* shall be made; and in case such clear produce amounts to fifteen shillings in the pound, or more, the debtor shall have and receive an allowance of ten pounds *per centum* for his or her own use, to be paid by the assignees, and charged in their accounts. And the said assignees are also hereby authorized, empowered and required, before expiration of their trust, to grant unto such insolvent person, without fee or reward, a certificate, under their hands and seals, that the person therein named hath made full discovery and surrender of his or her estate and effects, and in all things conformed to the directions of this act, and that there doth not appear to them any reason to doubt of the truth thereof; which certificate being proved before the justices of that court to whom such assignees shall make return of their proceedings, shall be recorded, and the clerk of such court shall, without fee, give a copy thereof to the person therein named, and certify, that the same is duly proved and recorded; and thereupon such insolvent person shall be, and is hereby declared to be free and discharged from all debts and demands by him or her contracted or owing before or at the time he or she became insolvent, and delivered up all his or her estate or effects: and in case any such person shall be afterwards arrested or sued for any debt or contract made or owing before that time, he or she producing to the officer arresting him or her such certificate as aforesaid, and giving such officer a copy thereof, shall be discharged upon common bail, and the defendant shall and may plead in general that the cause of such action or suit did accrue before such time he or she became insolvent, and may give this act, and the special matter, in evidence, together with an attested copy of the assignees certificate, which shall be allowed, and thereupon verdict or judgment pass for the defendant, unless the plaintiff prove that such certificate was fraudulently obtained, or any concealment by the defendant to the value of ten pounds current money; and if the plaintiff be nonsuited, or upon verdict or judgment given against him, the defendant shall recover his full costs.

**XIX.** *Provided nevertheless,* That this act shall extend to give benefit to such debtors only as shall in all things *bona fide* conform thereto.

XX. *Provided also*, That where it shall appear necessary to assignees and creditors, upon consideration of the circumstances and incidents happening in recovery and sale of an insolvent's estate, to prolong the time by this act limited for making final dividend and distribution thereof, it shall be lawful for any assignees, by and with consent of the creditors who have proved their debts, or the major part of them, under their hands and seals, entered into the assignees book of accounts, to allow such further time as they shall think fit and necessary; and in case of death or legal disability of any assignee, to appoint others in the room of the person or persons dead or so disabled: and every such assignee shall and may, by virtue thereof, have and execute the several trusts, powers and authorities, by this act vested in assignees; and shall in all things conform and be subject thereto, for and during such further term or time as shall be so allowed.

Assignees may lengthen the time of making final distribution.

Where an assignee dies.

XXI. *And be it further enacted*, That this act shall continue and be in force for and during the term of five years, and from thence to the end of the next session of assembly, and no longer, and shall be held and deemed to be a publick act.

The continuance of this act, which is to be deemed a publick one.

## CHAP. IX.

### *An Act to amend the act for encouraging arts and manufactures.*

I. WHEREAS the act of general-assembly, made in the thirty-second year of the reign of his late majesty king George the second, entitled, An act for encouraging arts and manufactures, hath not fully answered the purposes thereof, the trustees therein named being restrained from exceeding the sum of twenty pounds in any one bounty or premium, which is too small an inducement for many persons to engage in and prosecute the useful arts with that spirit and industry which are necessary to bring them to perfec-

Act to encourage arts & manufactures amended.



tion: *Be it therefore enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said trustees or any seven of them, shall and may give and award any sums of money they shall think proper in bounties or premiums, to be issued and paid according to the directions of the said, act, so as any one bounty or premium (except that for wine, as herein after-mentioned) do not exceed the sum of one hundred pounds, & so as the whole sum to be issued, including the premiums already offered and published, and the clerk's salary, do not exceed one thousand pounds, any thing in that act contained to the contrary notwithstanding.*

II. And whereas nothing can more effectually promote the commercial interests of Great Britain and its colonies than giving encouragement to the growth, culture and production, in the said colonies, of such commodities as are either consumed in that kingdom, or are essential to its manufactures, many of which commodities are now imported at a great disadvantage from foreign countries, although the soil and climate of this colony are proper for some of them; and whereas on the thirtieth day of October, in the year of our Lord one thousand seven hundred and sixty, sundry proposals were printed and published, to the following purpose to wit: That the sum of five hundred pounds be given as a premium to the person who shall in any one year from that date make the best wine, in quantity not less than ten hogsheads; that one hundred pounds be given to the second candidate; and the money should be raised by the annual subscription of such publick-spirited gentlemen as should be willing to encourage the undertaking; that the first payment of the subscription should be made on the thirtieth day of October, one thousand seven hundred and sixty-one, and on the same day every year after; that as soon as the subscription should be sufficient to pay the first premium there should be a meeting of the subscribers, in order to choose a collector or treasurer; that a select committee should be chosen at the same time, who should direct in what manner the said premiums might be obtained, and enquire into the best methods of cultivation, &c. and publish them for the information of the publick; that if the subscription would allow of it, a handsome pre-

mium should be given for the making of silk, and that if there should be any overplus, it should be given for the encouragement of such other articles as should appear to the committee most advantageous to the colony; and many persons did subscribe their names to several obligations of the same date annexed to the said proposals, whereby they severally obliged themselves, their heirs, executors and administrators, to pay annually and every year, during the term of eight years, the respective sums affixed to their names, to the person who should at a meeting be appointed treasurer, and for the purposes contained in the said proposals, as may more fully appear by a schedule annexed, containing a true copy of the said proposals and obligations, with the names of the subscribers, and the sums of money agreed to be paid by them; but the said subscribers having never yet met altogether, by reason of their number, and great distance from one another, to choose a treasurer, no part of the said money subscribed hath been collected.

III. And whereas the greater part of the said subscribers are willing that the trustees named in the above-mentioned act of general-assembly, or any seven of them, shall be a committee for the purposes mentioned in the said proposals; to the end, therefore, that the laudable design of the said subscribers may be effectually carried into execution, *Be it further enacted, by the authority aforesaid,* That the trustees named in the aforesaid act of general-assembly, and their successors, or any seven of them, shall be, and they are hereby appointed a committee, with the same power as if they had been chosen by all the subscribers aforesaid, at a meeting, to offer and pay the premiums, and direct in what manner they shall be obtained, and to order and perform every other thing they shall think necessary and conducive to the end by the aforesaid proposals intended; and also to choose a collector or treasurer, who having given such security as they shall approve of, for the faithful performance of his duty, shall have the same power to collect the several sums of money subscribed as aforesaid as if he had been chosen by all the said subscribers, at a meeting.

VI. *And be it further enacted, by the authority aforesaid,* That if by any accident so much of the said money subscribed as will be sufficient to pay the said pre-



mium of five hundred pounds shall not be collected, such deficiency shall be applied and paid to the person entitled to the premium, out of the sum of one thousand pounds above mentioned, notwithstanding any thing in this act before contained to the contrary; and that the said committee, in case no person shall, in their opinion, be entitled to the said premiums, within the times limited by the said proposals for claiming them, may prolong the time as often as they shall think proper; and that the said committee shall cause a regular account of all their proceedings, in the execution of this and the former act, to be kept, to be laid before the general-assembly whenever they shall be thereunto required.

THE SCHEDULE TO WHICH THIS ACT REFERS:

*Virginia, October 30, 1760.*

Proposals.

Proposals for the encouragement of useful undertakings.

It has been long lamented that this colony should pay annually a considerable sum of money for foreign wines, often mean in quality, and at an extravagant price, when we have the greatest reason to believe our climate capable of producing as fine wines as any in the world, were the cultivation of the vineyard properly attended to. We have hitherto wanted something that might employ our young and old, at present a dead charge on the community: the making of silk might probably afford this employment, and yield a large income to the colony. There are many other articles which will in time require our attention: The experiments of wine and silk are attended with little expense; and should either of them fail, the damage cannot be very great. Small premiums have been already offered by a society in England, and the committee of arts and manufactures in this colony; but such is the force of habit that we have little reason to expect any benefit from these. The prospect of future distant advantage is not strong enough to engage our attention: And we shall find the planter continue, without deviation, in the beaten track, until he is roused by some great and certain profit. It is proposed, therefore,

1. That the sum of five hundred pounds be given <sup>Premiums.</sup> as a premium to the person who shall in any one year, within eight years from this date, make the best wine, in quantity not less than ten hogsheads.

2. That one hundred pounds be given to the second candidate.

3. That this money be raised by the annual subscription of such publick-spirited gentlemen as are willing to encourage the undertaking.

4. That the first payment of the subscription be made on the thirtieth of October one thousand seven hundred and sixty-one, and on the same day every year after.

5. That as soon as the subscription shall be sufficient to pay the first premium, there be a meeting of the subscribers, in order to choose a collector or treasurer.

6. That a select committee be chosen at the same time, who shall direct in what manner the said premiums shall be obtained, and to whom it may be recommended to enquire into the best methods of cultivation, &c. and publish them for the information of the publick.

7. That if the subscription will allow of it, a handsome premium be given for the making of silk.

8. That if there be any overplus, it be given for the encouragement of such other articles as shall appear to the committee most advantageous to the colony.



*Virginia, October 30, 1760.*

WE the subscribers do severally oblige ourselves, our heirs, executors and administrators, to pay annually and every year, for the term of eight years, the respective sums affixed to our names, to the person who shall at a meeting be appointed treasurer, and for the purposes contained in the proposals annexed.

Francis Fauquier,	l. 10 0 0
John Blair,	2 10 0
William Nelson,	5 0 0
Thomas Nelson,	4 0 0
Peter Randolph,	2 0 0
John Tayloe,	2 0 0
Robert Carter,	2 0 0
Presley Thornton,	2 0 0
John Robinson,	5 0 0
Peyton Randolph,	2 0 0
Lewis Burwell,	5 0 0
Archibald Cary,	2 0 0
George Braxton,	1 0 0
Charles Carter,	3 4 6
George Washington,	2 0 0
Thomas Tabb,	2 0 0
William Cabbell, junr.	1 0 0
Landon Carter,	1 0 0
Henry Lee,	1 0 0
Philip Mayo,	1 0 0
Edmund Pendleton,	1 0 0
George Wythe,	2 0 0
Thomas Everard,	1 0 0
Thomas Parramore,	2 0 0
Harry Gaines,	1 0 0
James Cocke,	1 0 0
John Baylor,	2 0 0
Augustine Claiborne,	2 0 0
James Hubbard,	1 0 0
John Carter,	1 0 0
William Allen,	1 0 0
William Digges,	2 0 0
Thomas Walker,	1 0 0
Philip Johnson,	1 0 0
James Pride,	2 0 0
Richard Bland,	2 12 0
Richard Bland, junr.	1 0 0
Mann Page,	2 0 0
John Blair, junr.	2 0 0

William Kennon,	l. 2	0 0
William Peachey,	2	0 0
Thomas Clayton,	2	0 0
James Mills,	2	0 0
James Mercer,	2	0 0
William Small,	2	0 0
William Bernard,	2	0 0
William Ellzey,	2	0 0
Thomas Moore,	2	0 0
Thomas Hornsby,	2	0 0
John Champe,	2	0 0
Nathaniel Harrison,	2	0 0
Archibald Ritchie,	2	0 0
William Hunter,	2	0 0
Archibald Hunter,	2	0 0
Robert Tucker,	2	0 0
Thomas Hodge,	2	0 0
James Clarke,	2	0 0
Alexander Rose,	2	0 0
David Ker,	2	0 0
Edward Dixon,	2	0 0
Roger Atkinson,	2	0 0
John M'Neill,	2	0 0
Leonard Price,	2	0 0
Alexander Boyd,	2	0 0
George Thomas.	2	0 0
John M'Douall,	2	0 0
John Ruffin,	2	0 0
William Robinson,	2	0 0
Thomas Price,	2	0 0
Peter Whiting,	2	0 0
Benjamin Cluverius,	2	0 0
Francis Willis, jun.	2	9 0
William Waters,	2	0 0
Thomas Whiting,	2	0 0
Richard Cocke,	2	0 0
Robert C. Nicholas,	1	0 0
Cornelius Calvert,	1	0 0
Graham Frank,	1	0 0
Jon de Sequeyra,	1	1 6
Richard Eppes,	1	0 0
William Fleming,	1	0 0
Robert Miller,	1	0 0
Richard Adams,	1	0 0
William Wager,	1	0 0



Richard Henry Lee,	L. 1	0	0
Richard Lee,	1	0	0
Robert Ruffin,	1	0	0
George Carrington,	1	0	0
Thomas Harrison,	1	0	0
Hartwell Cocke,	1	0	0
Edward C. Travis,	1	0	0
Benjamin Waller,	1	0	0
John Fleming,	1	0	0
James Carter,	1	0	0
Philip Rootes;	2	0	0
David Jameson,	2	0	0
Thomas Adams,	2	0	0
Thomas Reade Rootes,	2	0	0
Theoderick Bland,	2	0	0
Alex. John Alexander,	2	0	0
Peter Johnston,	2	0	0
William Lightfoot,	2	0	0
Christopher Robinson,	2	0	0

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## CHAP. X.

### *An Act for inspecting pork, beef, flower, tar, pitch and turpentine.*

#### Preamble.

Inspectors  
of pork, beef  
sour, tar,  
pitch and  
turpentine,  
how appoint  
ed.

I. WHEREAS the several laws made for the inspection of pork, beef, flower, tar, pitch and turpentine, are now expired; and as they have been, by experience, found useful and beneficial to the trade and export of this colony: *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That no pork, beef or flower, shall be exported out of this colony, or tar, pitch or turpentine, exposed to sale, or exported, until the same shall be packed or filled in barrels, under the regulation herein after expressed; and the justices of every county-court within this dominion are hereby authorized and required, in the month of August or September, annually, to nominate and appoint, in open court, one or more, (not exceeding six in one*

county) fit and able person or persons, residing in the same county, to inspect the package, and weigh all pork, beef and flower, and also to inspect the filling of all tar, pitch or turpentine, packed or filled for sale or exportation, in their respective counties. And the said courts may appoint the same person or persons to be inspectors of pork, beef, flower, tar, pitch and turpentine, if such person appears to them duly qualified, or may appoint several inspectors, as in their discretion shall seem best; and every person so appointed shall, before he enters upon the execution of that office, make oath before the justices of his county-court, carefully to view, inspect and examine, when required, all pork, beef, flower, tar, pitch and turpentine, packed or filled for sale or exportation, and to the best of his skill and judgment not to pass or stamp any barrel of pork or beef, or any flower, pitch, tar or turpentine, that is not good, clean, sound, merchantable, and of the weight or gage by this act directed; and faithfully to discharge the duty of his office, without favour, affection or partiality, and shall constantly attend, upon notice, at such time and place as the owner of any of the said commodities shall appoint, to inspect the same within his county, but shall not inspect or stamp any tar, pitch or turpentine, or any pork or beef, imported from Carolina, until the same shall be brought to some publick landing, and shall provide a stamp or stamps, with the first letter of his county, the letter V for Virginia, the first letter of his own christian name, and his whole surname at length, to be stamped on each barrel or cask by him passed, and on every cask or barrel of flower, the gross, tare and neat weight thereof, and a distinction of the fineness by the words first or second stamped on the head, and on every barrel of pork the letter L for large, or the letter S for small pork, and on the head of every barrel of tar, pitch and turpentine, shall distinguish whether the same be tar, pitch or turpentine, for which he may demand and take for every barrel of pork or beef, by him stamped, sixpence; for every barrel of tar, pitch or turpentine, twopence; for every barrel of flower, containing two hundred and twenty pounds neat, or less, threepence; and for every cask of greater weight, sixpence; and no more to be paid down by the owner. And if any officer, so appointed and sworn, shall ne-

Their  
duties.



glect his duty, or stamp any of the commodities aforesaid contrary to this act, he shall forfeit and pay twenty shillings for every barrel of pork or beef, ten shillings for every barrel or cask of flower, and five shillings for every barrel of tar, pitch or turpentine, which shall be found not duly qualified, or of less weight or contents, than this act requires, and also five shillings for every neglect of his duty, recoverable by the informer, with costs, before a justice of peace of the county where such offence shall be committed.

Contents of  
barrel of  
pork or beef.

II. *And be it further enacted, by the authority aforesaid,* That every barrel of pork or beef packed within this colony for sale or exportation, or imported here, shall contain at least two hundred and twenty pounds neat, of good clean, fat, sound, merchantable meat, well salted between each layer, well pickled, nailed and pegged, and no more than two heads of pork in one barrel, and no inspector shall pass or stamp any barrel of pork or beef that does not appear to such inspector to be well salted and cured before the same is packed; and after the same has been inspected, weighed, found merchantable, and passed by the inspector or inspectors residing in the county where the same shall be packed or imported, every such barrel shall be by him or them stamped or branded as aforesaid, and certificate thereof given to the owner: And every barrel of tar, pitch and turpentine, shall contain thirty-one gallons and a half, wine measure, at the least; and after the same shall be inspected, gauged, found clean, well and truly made merchantable, and passed by the inspector or inspectors of the county where the same shall be inspected, shall be by him or them stamped or branded, and certificate thereof given to the owner as aforesaid: And that every person making or causing to be made, wheat flower, intended for exportation, shall make oath before a justice of the peace that the flower by him intended to be exported, or sold for exportation, is clean and pure, not mixed with meal or Indian corn, pease or any other grain or pulse, to the best of his knowledge, which oath every justice of the peace is hereby empowered, upon request of the owner of such flower, to administer, and shall grant a certificate of such oath before him made; and such certificate being produced to the inspector, he shall diligently view and examine the flower there-

Of tar, pitch  
and turpen-  
tine.

Oath of  
maker of  
flower.

in mentioned, and if by him found clean, pure, unmixed and merchantable, shall see the same packed in casks or barrels, well secured for exportation, and shall stamp or brand the same in the manner herein before directed.

Abatement  
allowed.

III. *And be it further enacted, by the authority aforesaid,* That all pork and beef exposed to sale or barter within this colony, in barrels, whether the same be packed here or imported from Carolina, or any other place, shall contain at least two hundred and twenty pounds neat meat, allowing only two and a half *per centum* for shrinkage or loss of weight; and every barrel of tar, pitch and turpentine, exposed to sale or barter, whether made here, or imported from any other place, shall contain at least thirty-one gallons and a half wine measure, and be stamped or branded as this act directs: and if any person shall presume to sell, or expose to sale, or barter, any barrel of pork, beef, tar, pitch or turpentine, of less weight or gauge, he or she shall forfeit and pay to the informer twenty four shillings current money for every such barrel of pork or beef, and five shillings for every such barrel of tar, pitch or turpentine, sold or exposed to sale or barter in this dominion, recoverable with costs by the informer before any justice of the county where such offence shall be committed, although the penalty shall exceed twenty five shillings current money; and every justice of the peace, upon such complaint before him made, and due proof of such offence, shall and may by virtue of this act, give judgment for the whole penalty, and award execution thereupon, any law to the contrary notwithstanding.

Penalties  
how recover-  
able.

IV. *Provided nevertheless,* That from such judgment for more than twenty-five shillings current money the party aggrieved may appeal to the next court to be held for the county wherein such complaint was made, the appellant entering into bond, with sufficient security, before the justice by whom the judgment shall be given, that he will prosecute his appeal with effect, and pay the same judgment, and all costs awarded by the court, if the judgment shall be affirmed; and the justice of peace taking such bond shall return the same, together with the whole record of his proceedings in the cause, to the same court to which such appeal shall be, which court shall and may receive, hear, and finally determine, the same.

Appeal.



Oath required of seller or exporter.

*V. And be it further enacted, by the authority aforesaid, That every seller or exporter of pork, beef, flower, tar, pitch or turpentine, packed or filled in this colony, and stamped or branded, shall make oath before a justice of peace, at the time of the delivery of the goods sold or exported, that the several barrels by him then sold or exported are the same that were inspected and passed, and do contain the full quantity, without embezzlement or alteration to his knowledge; and every person taking a false oath, and being lawfully convicted thereof, shall suffer the pains and penalties inflicted on persons guilty of wilful and corrupt perjury, and moreover shall forfeit and pay the sum of fifty pounds, to be recovered by any person or persons that will sue for the same, to his or their own use: and that every master of a vessel wherein pork, beef, flower, tar, pitch or turpentine, shall be exported, shall make oath that he will not knowingly take, or suffer to be taken, on board his ship or vessel, any pork, beef, tar, pitch, turpentine or flower, contrary to law, which oath the respective naval-officers of this colony are hereby required to administer; and if any of the said commodities packed or filled in barrels or casks for exportation are not stamped or branded as aforesaid, or any parcels of pork or beef unpacked, or any flower in barrels or casks not so stamped, except for necessary provisions only, shall be put on board any ship or vessel, to be exported as merchandise, every such cask, barrel or parcel, may be seized by any sworn officer, and brought on shore, and the same, or the value thereof, shall be forfeited to the informer, recoverable before a justice of peace; and the officer seizing the same may demand and take the like fees as for serving an execution, to be paid by the party from whom such seizure shall be; and if such officer shall be sued for any thing by him done in pursuance of this act, he may plead the general issue, and give this act in evidence; and upon nonsuit, or verdict for the defendant, he shall have double costs; and the master of such ship or vessel shall forfeit and pay twenty shillings for every barrel or cask of pork, beef or flower, and five shillings for every barrel of tar, pitch or turpentine, so taken on board, recoverable by the informer before a justice of the peace of any county within this colony, if the sum of such forfeiture shall not exceed five pounds, for*

which such justice is hereby authorized to grant judgment and execution thereupon; but where such forfeiture shall amount to more than that sum, then to be recovered by action of debt or information, in any court of record in this dominion, having cognizance of such sum.

VI. *And be it further enacted, by the authority afore-* Duty of  
*said,* That every cooper, and the master or owner of coopers,  
 every servant or slave who shall set up barrels for  
 pork, beef, tar, pitch or turpentine, shall make the  
 same with good strong well seasoned timber, tight and  
 well hooped, with twelve hoops at least; every barrel  
 for pork or beef to contain from twenty-nine to thirty-  
 one gallons each, and every barrel for tar, pitch or  
 turpentine, thirty-one gallons and a half at least,  
 with his name, or the name of the master of such ser-  
 vant or slave, at length, stamped or branded upon  
 every barrel, under the penalty of two shillings and  
 sixpence for every barrel set up for sale or exporta-  
 tion and not so stamped or branded, or of less con-  
 tents than aforesaid, recoverable by the informer be-  
 fore a justice of peace.

VII. *And be it further enacted, by the authority afore-*  
*said,* That this act shall continue and be in force from  
 and after the first day of August next, for and during  
 the term of ten years, and from thence to the end of  
 the next session of assembly.

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## CHAP. XI.

### *An Act for regulating the gold coin of the German Empire.*

I. WHEREAS by an act of assembly made in the Recital of  
 first year of the reign of her late majesty Queen Anne, former acts.  
 entitled, An act for regulating and settling the cur-  
 rent rates of gold coin, and of British silver coin, in  
 this dominion, the gold coin of the empire was made  
 current in this colony, at the rate of five shillings the  
 penny-weight, and it has been found that the said



gold is worse than the Spanish doubloons at least fifteen per cent. and it may be of the most dangerous consequences to the trade and currency of this colony to permit so base a coin to pass in payment at the same rate with other gold of more intrinsick value: for settling the same, *Be it enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* that from and after the passing of this act all the gold coin of the German empire shall be current within this his majesty's colony and dominion in all payments, and may be tendered in discharge of all contracts, bargains and debts, except his majesty's quitrents, at the rate of four shillings and threepence the pennyweight, and no more.

Rate of German gold.

II. *Provided always, and it is hereby further enacted, by the authority aforesaid,* That it shall and may be lawful to and for any person whatsoever, who shall be actually and *bona fide* in possession of any such German gold at the time of the passing of this act, to carry and produce the same before any justice of the peace of this colony within two months after that time, but not afterwards, and make oath before him that the same was actually in his possession at the passing of this act; and thereupon such justice shall give him a certificate of the quantity of the said German gold so produced to him by such person, and of his having taken such oath as aforesaid: and that it shall and may be lawful to and for the treasurer of this colony, for the time being, at any time within six months after the passing of this act, out of the publick money in his hands, to pay to any person producing to him such a certificate from a justice as aforesaid, the difference between the value of such German gold, as it was settled by the said in part recited act and this act.

## CHAP. XII.

*An Act for the more effectually keeping the publick roads and bridges in repair.*

**I.** FOR the better and more effectual keeping the publick roads, highways and bridges, in repair, *Be it enacted, by the Lieutenant-Governour, Council, & Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That if any justice of the peace, upon his own view, shall find any publick road, mill-dam, or bridge, over the peer-head or flood-gates over which any such road leads not kept in good repair, according to the directions of the act, entitled, *An act concerning highways, mill-dams and bridges,* such justice may, and he is hereby empowered, to issue his warrant against the surveyor of such road, or owner or occupier of such mill, and (if no reasonable cause is shown to the contrary) to give judgment and award execution against the estate of such surveyor, or owner or occupier of such mill, for the penalty in the said recited act mentioned; and where any mill dam shall cross the boundary between two counties, any justice of either of the said counties may take cognizance of any breach of this and the before recited act.

Justice may  
convict on  
own view  
of roads, &c.  
out of repair.

**II.** *And be it further enacted, by the authority aforesaid,* That when any county-court, or trustees appointed by or pursuant to an act of assembly, shall let any bridge or causey to be built, such court or trustees shall, and they are hereby required, to take bond, with one good security at the least, from the undertaker or builder of such bridge or causey, in double the sum agreed to be paid for such bridge or causey, with condition for building the same in a strong substantial manner, according to the directions of the said recited act, and keeping the same in good repair, according to agreement; which bond shall be payable to his majesty, his heirs and successours, and shall be lodged in the clerk's office of the county: and if any person or persons shall sustain loss or injury by means of the unskilful building, and not keeping in repair, such bridge or causey, during the term mentioned in the said bond, every person or persons so injured, or

County  
courts to  
take bond  
from con-  
tractors to  
build bridges  
&c.



sustaining loss, may, as often as the case shall happen, put the said bond in suit, and prosecute for his or their damages and costs, until the whole penalty of such bond shall be recovered; and the undertaker or builder of such bridge or causey shall, moreover, be liable to the same penalty, to be recovered in the same manner as surveyors of publick roads are liable to for not keeping the roads or highways in repair.

Proviso in case of accidents.

III. *Provided always*, That if any such bridge or causey shall happen to be destroyed, or carried away by tempest, or other accident, the undertaker or builder thereof shall not be liable to any of the said penalties, if he shall rebuild the same within three months from the time of its being carried away or destroyed as aforesaid.

Surveyors may take timber or earth from adjacent lands for causeys.

IV. *And be it further enacted, by the authority aforesaid*, That where any causey is, or shall be, necessary to be made any publick road or highway, the surveyor thereof may from time to time cut and take from the lands of any person or persons such and so much timber or earth as shall be necessary for making, erecting, or keeping in repair, such causey; and where the surveyor cannot make or erect or keep in repair such causey without the assistance of wheel carriages, draught horses or oxen, in that case it shall and may be lawful for any justice of the peace of the county, and he is hereby required, upon application made to him by such surveyor, to issue his warrant, under his hand and seal, empowering such surveyor to impress any necessary wheel carriages, draught horses or oxen, with other conveniences belonging to the owner or owners of any of the tithable servants or slaves, or to any other person appointed by the county court to attend such surveyor, in laying out, clearing, or keeping in repair, the roads in his precinct.

Exception as to towns.

V. *Provided always*, That where any publick road or highway leads through a city or town, the surveyor of such road or highway shall not take any earth from any of the lots within the limits of the said city or town without the permission of the owners thereof, but shall take the same for the purposes aforesaid from the lands nigh or adjacent to the said city or town, and from such places where it shall do the least damage to any enclosure or other conveniences upon the said land.

VI. *Provided also*, That it shall not be lawful for any surveyor to make use of, or carry, any timber or earth from the lands of any person for the uses aforesaid without the consent of the owner thereof, until the same be first viewed and valued, nor any wheel-carriage, draught-horse or ox, until a valuation by the day be made for the use of such wheel-carriage, draught horse or ox, which several valuations shall be made by two honest housekeepers, upon oath, appointed and sworn by some justice of the peace; and the county court shall, in their next county levy, allow the owner or owners thereof according to such valuation, upon the certificate from the said two housekeepers to them produced.

Timber &c. to be first viewed and appraised.

VII. *And be it further enacted, by the authority aforesaid*, That the clerks of the several county-courts shall, within ten days after the appointment of any surveyor of a road within his county, deliver to the sheriff a copy of the court's order for appointing such surveyor; and the sheriff shall, within fifteen days after the receipt of such order serve the person so appointed surveyor with the same, and shall make return of such service to the clerk, to be filed among the papers in his office: And if any clerk or sheriff shall fail to perform the duty hereby required of him, such clerk or sheriff shall forfeit and pay the sum of fifteen shillings, to be recovered in the same manner as the penalty inflicted by the said recited act on surveyors of the publick roads is made recoverable.

When clerks to deliver to surveyors copies of orders appointing them.

VIII. *And be it further enacted by the authority aforesaid*, That the clerks of the several county-courts within this colony shall, and they are hereby required, once in every year, to fix up in the court-house of their county a list of all the surveyors of the highways within their respective counties, with an exact account of the precincts appointed for each particular surveyor; and every county-court clerk who shall fail to perform his duty therein shall forfeit and pay the sum of fifteen shillings, for every such failure.

Clerks to fix up lists of surveyors, & their precincts.

IX. *And be it further enacted, by the authority aforesaid*, That the penalties inflicted by this act, and not otherwise appropriated, shall be to his majesty, his heirs and successours, for the use of the county wherein the same shall arise; to be applied by the court of the said county towards lessening the levy by the poll,

Penalties appropriated.



Limitation of  
act.

X. *And be it further enacted, by the authority aforesaid, That this act shall continue and be in force for and during the term of three years, and from thence to the end of the next session of assembly.*

### CHAP. XIII.

#### *An Act for establishing Pilots, and regulating their Fees.*

Preamble.

I WHEREAS it is necessary, for the safety and preservation of ships and vessels coming into the bay of Chesapeake, bound up the rivers of this dominion, that able and experienced pilots should be established, to conduct such vessels, for reasonable fees, to their several moorings, and to prevent ignorant or unskillful persons from undertaking such pilotage: *Be it therefore enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the courts of the several counties of Princess-Anne, Norfolk, Nansemond, Chesterfield, Elizabeth-City, York, Gloucester, Middlesex, Lancaster, Northumberland, and Westmoreland, are hereby directed to nominate and appoint three fit persons, in their respective counties, who shall, upon being so appointed, examine every person who shall desire to be admitted a pilot, he first paying down to the said examiners the sum of twenty shillings; and if, upon such examination, the person shall appear of sufficient skill and ability, the said examiners shall thereupon grant such person a branch, and thenceforth he shall be reputed a lawful pilot.*

Examiners  
of pilots, how  
appointed.

How pilots  
shall be pro-  
vided with  
boats &c.

II. *Provided, That no person whatsoever shall be permitted to execute the business of a pilot, notwithstanding he may have such branch as aforesaid, unless he or the company to which he belongs shall keep one sufficient pilot boat, rigged and provided according to the usual manner, of eighteen feet keel at the least, under the penalty of fifty pounds for every ship or vessel such pilot shall undertake to conduct, to be reco-*

vered with costs, by action of debt, in any court of record of this dominion, by the informer, or party suing for the same, to his or their own use: And if any person not having such branch, and keeping such boat as aforesaid, shall presume to take upon himself to conduct or pilot any ship or vessel coming from sea to any place or places herein after mentioned, every such person shall forfeit and pay for the first offence ten pounds current money, for the second offence twenty pounds, and for every offence thereafter forty pounds, of like money, to be recovered with costs, by action of debt, in any court of record of this dominion, by the informer, or party suing for the same, to his or their own use; and, moreover, such person shall be liable for all damages occasioned by his undertaking the pilotage, to be recovered by action at the common law, at the suit of the party or parties aggrieved. Penalties.

III. *Provided*, That this act shall not extend, or be construed to extend, to hinder any person or persons from assisting any ship or vessel in distress, or subject such person or persons to the penalty thereof, so as he or they shall deliver up such ship or vessel to the pilot, who shall come on board and offer to undertake the conduct of her, for which such assistant shall and may demand and take half the fees allowed for pilotage by this act. Proviso.

IV. And whereas great inconveniences have arisen from pilots entering into combination or partnership, which has occasioned great neglect of their duty: For Prevention whereof, *Be it further enacted, by the authority aforesaid*, That from and after the tenth day of April next, no more than two pilots shall be in partnership, under the penalty of one hundred pounds to the informer; to be recovered with costs, by action of debt, in any court of record of this dominion. Restrictions as to partnerships.

V. And for the better encouragement of pilots to do their duty, *Be it further enacted, by the authority aforesaid*, That all pilots shall keep a good lookout, and that every master of a merchant's vessel coming from sea shall be obliged to receive the pilot who first offers to conduct his vessel, or shall pay him half pilotage to the first port, and then may continue the same, or choose another pilot, or proceed without any pilot, if he thinks fit; and if any pilot not being hindered by sickness, or other lawful cause, shall refuse to go on board any vessel, when required by the master, to execute What vessels compellable to receive pilots.



his office, he shall, upon complaint and conviction of such refusal before the examiners, be liable to be suspended by them for such term or time as they shall think fit.

Penalty for negligence.

VI. *And be it further enacted, by the authority aforesaid, That if any pilot shall negligently or carelessly lose any vessel under his care, and be thereof convicted by due course of law, he shall for ever after such conviction be incapable of acting as a pilot in this colony, and shall also be liable to pay all such damages as any person or persons shall sustain by such negligence or carelessness, to be recovered as is before directed.*

VII. *And for preventing any exorbitant demands for pilotage, Be it further enacted by the authority aforesaid, and it is hereby enacted, That the following, and no greater prices, shall be taken or demanded, to wit:*

Rates of pilotage.

On James River, for all Ships, Snows or Brigantines.

From Cape Henry, or Lynhaven

Bay, to Hampton Road or Sewell's point,

l. 1 0 0

To Norfolk, per foot 0 1 8

To Sleepy-hole, or Sack-point, Nansemond, do. 0 2 0

To Pagan Creek, do. 0 1 6

To James-town, do. 0 4 6

To Martin's Brandon, do. 0 5 0

From Hampton Road, or

Sewell's point, To Flower-de-Hundred, do. 0 5 6

To Westover, do. 0 6 0

To City point, or Bermuda-Hundred, do. 0 7 0

To Four-Mile Creek, do. 0 9 0

To Osborne's Warehouse, do. 0 10 0

To Warwick, do. 0 11 0

## ON YORK RIVER.

From the Cape, or Lynhaven River, to York town,	l.	2	0	0
Back River, or Egg-Island to York town,		1	0	0
York to West-point, per foot		0	3	0
West-point to Holt's, or Dansie's	do.	0	1	
West point to Littlepage's, or the highest landing ships can go to on Pamunkey ri- ver.	do.	0	1	6
West-point to Shephard's	do.	0	0	6
To Meredith's, Moore's, or the highest landing on Mattapony river,	do.	0	1	0
The Cape, to any river in Mobjack Bay, the same pilotage as to York town.				

## ON RAPPAHANNOCK RIVER.

From the Cape to Urbanna,	l.	3	0	0
Urbanna to Hobb's-hole, per foot		0	2	6
Hobb's-hole to Mulberry-Is- land, or Naylor's-hole,	do.	0	1	3
Mulberry-Island to Leeds, or Micou's,	do.	0	1	3
Leeds, or Micou's, to Port- Royal,	do.	0	2	0
Port-Royal to Morton's	do.	0	1	3
The Cape to Pianketank, to Kemp's ware- house, or any other place, the same pi- lotage as to Urbanna.				



## ON POTOWMACK RIVER.

From Cape Henry to Smith's Point,  
on South Potowmack,

			l. 5	0	0
Smith's-Point,	To Coan,	per Foot	0	1	8
	To Yeocomico,	do.	0	1	10
	To Machodax,	do.	0	2	0
	To Nomini,	do.	0	2	2
	To Maddox,	do.	0	2	6
	To upper Machodax,	do.	0	3	0
	To Nangomy,	do.	0	4	0
	To Boyd's Hole,	do.	0	4	4
	To Acquia,	do.	0	4	9
	To Quantico,	do.	0	5	0
	To Occoquan,	do.	0	5	4
	To Piscataway,	do.	0	6	4
	To Alexandria,	do.	0	7	6
	To Eastern Branch.	do.	0	8	0

And the same fees back again, from the several places aforesaid, to the capes, and no more; and for all sloops and schooners, two thirds of the rates of pilotage: And that every master of a ship or vessel shall give reasonable notice to the pilot he shall employ of the time and place such master shall appoint for his attendance, and such pilot shall attend accordingly, and may demand and take the sum of seven shillings and six pence for every day he shall be detained by such masters, not being ready to proceed according to his notice as aforesaid; and if any pilot shall demand or exact any other greater fee, he shall forfeit double the pilotage so demanded, recoverable before a justice of peace, with costs, by the informer to his own use.

Half pilot.  
age.

VIII. *Provided always*, That no masters of ships or vessels shall be obliged to take a pilot who shall not offer himself below the horse-shoe; but every ship or vessel having no pilot on board, and following another that has a pilot, shall pay him half fees.

Pilots to  
produce  
copy of this  
act.

IX. And to the end that strangers may not be imposed on in the rates of pilotage, as settled by this act, *Be it therefore enacted, by the authority aforesaid*, That every pilot appointed in pursuance of this act shall be obliged, when he is in the execution of his office, to carry with him a copy thereof; and when he receives his fees for services performed on board any ship or vessel, he shall produce the said copy to the master

of such ship or vessel, to show that he demands no greater fee or reward than what is allowed by this act: and if any such pilot shall neglect or refuse to produce such copy as aforesaid, he shall forfeit and pay twenty pounds to any person who shall sue for the same, to be recovered with costs, in any court of record within this dominion.

X. And for the further encouragement of pilots to do their duty, *Be it also enacted, by the authority aforesaid,* That every pilot having obtained a branch as aforesaid shall be, and is hereby exempt from appearing at any muster of the militia during the time he shall continue to act as a pilot. Branch pilots exempted from militia duty.

XI. *And be it further enacted, by the authority aforesaid,* That this act shall continue and be in force from and after the tenth day of April next, for and during the term of three years, and from thence to the end of the next session of assembly. Limitation of act.

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#### CHAP. XIV.

*An Act to amend the several Acts of Assembly of this Colony for licensing pedlars, and preventing frauds in the duties upon Skins and Furs.*

I. WHEREAS an act of assembly, made in the thirty-second year of the reign of his late majesty, entitled, an act for reducing the several acts for licensing pedlars & preventing frauds in the duties upon skins & furs, into one act, which was amended by another act made for that purpose in the first year of his present majesty's reign, hath hitherto been found ineffectual to prevent the frauds and abuses committed and carried on by people under the name of pedlars, particularly in the exportation of skins and furs, without paying any duty: For remedy, whereof: *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the* Recital of former acts.  
  
Pedlars, how licensed.



same, That from and after the tenth day of April next no pedlar or other person, whether he be an inhabitant of this colony or not, shall go from place to place, or to other mens houses, and sell, or expose to sale, or barter, any goods or merchandize whatsoever, without license first obtained, according to the directions of this act, that is to say: that the general court of this colony shall be, and are hereby authorized and empowered, from time to time, to grant, or refuse, at their discretion, to any person or persons applying for the same, license or licenses to trade during the term of one year from thence next following, and no longer; the party obtaining such a license first entering into bond, with good and sufficient security to our sovereign lord the king, his heirs and successors, in the penalty of one hundred pounds, with condition that he will not export, or cause to be exported with his privity or knowledge, any skins or furs, either by land or water, without first paying the duties imposed on such skins and furs by one act of assembly made in the twenty-second year of the reign of his late majesty, entitled, An act for the better support of the college of William and Mary, and shall also make oath and swear to the same effect, and pay down the sum of twenty shillings for the use of the governour or commander in chief of this colony for the time being, the sum of five pounds for the use of the college of William and Mary, and the further sum of twenty shillings to the clerk of the general-court for writing the same, and the bond aforesaid, which bond shall be by him lodged in the secretary's-office of this colony.

Fees.

Penalty for trading without license.

11. *And be it further enacted*, That if any pedlar, or other person as aforesaid, shall, after the said tenth day of April, be found travelling or trading without such license as aforesaid, such person shall forfeit and pay for every several dealing or trading the sum of five pounds, one moiety to the College of William and Mary, for the better support thereof, and the other moiety to the informer, to be recovered with costs, by petition in a summary manner, in any court of record of this dominion, without the solemnity of a jury; and any person intending to sue for such penalty may apply to any justice of the peace, who is hereby authorized, empowered and directed, to issue his warrant to cause such pedlar or other person

to be brought before him, or some other justice of the peace: and thereupon, in case such pedlar or other person shall refuse to give security for his appearance at the next court to be held for that county in which such information shall be made, to commit him to the gaol of the said county until he shall give such security to appear at the next court and answer such complaint, which court are hereby authorized and empowered to proceed to trial immediately, and grant judgment against such pedlar, or other person, for such penalty, in manner aforesaid; and in case such pedlar, or other person, after conviction, shall refuse or delay to make present payment of the said penalty and costs, either in money or goods, to the value, in the judgment of the court before whom such conviction shall be, it shall and may be lawful for such court to order the person so convicted thirty-nine lashes on his bare back, well laid on, and he shall be from thenceforth discharged from the payment of the said penalty for that time.

III. *And be it further enacted, by the authority aforesaid,* That if any collector appointed, or to be appointed in pursuance of the said act, made in the thirty-second year of his said late majesty's reign, shall refuse or neglect to account with the president and masters of the college of William and Mary for the time being, in the months of April and October annually, for all and every sum and sums of money received by him as collector of the said duties, he shall forfeit and pay the sum of twenty shillings for every such refusal or neglect; one half whereof shall be to the use of his majesty, his heirs and successors, for and towards the better support of the college of William and Mary, and the other half to the informer, and shall and may be recovered by action of debt or information in any court of record within this colony.

Penalties on  
collectors  
failing to ac-  
count.

IV. *And be it further enacted,* That all and every other act and acts of assembly heretofore made for or concerning any thing within the purview of this act, shall, from and after the said tenth day of April next, be, and they are hereby, repealed and made void, to all intents and purposes whatsoever.



## CHAP. XV.

*An Act for establishing several new Ferries.*

New ferries  
established.

**I. WHEREAS** it is represented to this present general-assembly that publick ferries at the places hereafter-mentioned will be of great advantage to travellers, and others: *Be it therefore enacted by the Lieutenant Governour, Council, and Burgesses, of this present General-Assembly, and it is hereby enacted, by the authority of the same,* That publick ferries be constantly kept at the following places, and that the rates for passing the same shall be as follow, that is to say: from the land of William Ingles, in the county of Augusta, over New-River to the opposite shore, the price for a man threepence, and for a horse the same; from the land of Richard Fox, in the county of Lunenburg, over Roanoke River to the land of James Blanton, opposite thereto, the price for a man threepence, and for a horse the same; from the land of Nathaniel Barksdale, in the county of Halifax, over Staunton river to the land of James Hunt, in the county of Lunenburg, for a man threepence, and for a horse the same; from the land of Samuel Earle, in the county of Frederick, over Shannando River to the land of the right honourable the lord Fairfax, in the said county, for a man threepence, and for a horse the same; from the land of William Harwood, in the county of Lunenburg, to the land of William Royster, in the said county, the price for a man threepence, and for a horse the same; and for the transportation of wheel-carriages, tobacco, cattle, and other beasts, at any of the ferries aforesaid, the ferry-keeper may demand and take the following rates, that is to say: for every coach, chariot, or waggon, and the driver thereof, the same as for six horses; for every cart, or four-wheel chaise, and the driver thereof, the same as for four horses; for every two-wheel chaise, or chair, the same as for two horses; for every hogshead of tobacco as for one horse; for every head of neat cattle as for one horse; for every sheep, goat or lamb, one fifth part of the ferriage of one horse; and for every hog one fourth part of the ferriage of one horse, according to the prices herein before settled at such ferries respectively and

Rates

no more; and if any of the said ferry-keepers shall presume to demand or receive from any person or persons whatsoever any greater rate than is hereby allowed for the carriage or ferriage of any thing whatsoever, he or they, for every such offence, shall forfeit and pay to the party aggrieved the ferriage demanded and received, and ten shillings, to be recovered with costs before any justice of the peace of the county where such offence shall be committed. And where a ferry is by this act appointed on one side of a river, and none on the other side answerable thereto, it shall be lawful for the respective county-courts to appoint an opposite ferry, and to allow the respective rates herein before directed; and such courts shall and may, and are hereby required, to order and direct what boat or boats, and what number of hands, shall be kept at each ferry respectively: and every such ferry-keeper shall enter into bond in the manner directed by one act of assembly made in the twenty-second year of his late majesty's reign, entitled, An act for the settlement and regulation of ferries, and for despatch of publick expresses; and shall be subject and liable to the penalties thereby inflicted, for any neglect or omission of their duty.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act it shall and may be lawfull to and for the ferry-keeper at Tyler's in the county of Westmoreland, over Potowmack river to Cedar Point, in the province of Maryland, to demand and take for the transportation of a man over the said ferry two shillings and sixpence, and for a horse the same; and for carriages, cattle, and other beasts, the same proportion as is herein before appointed for the transportation of such things over the ferries by this act established, any law, custom or usage, to the contrary thereof, in any wise, notwithstanding.



## CHAP. XVI.

*An Act to amend the act, entitled, an act to oblige the owners of mills, hedges or stone-stops, on sundry rivers therein-mentioned, to make openings or slopes therein, for the passage of fish, and for other purposes therein-mentioned.*

Recital of former act.

I. WHEREAS the act of assembly made in the first year of his present majesty's reign, entitled, An act to oblige the owners of mills, hedges, or stone-stops, on sundry rivers therein-mentioned, to make openings or slopes therein for the passage of fish, hath been found defective, and not to answer the purposes for which it was intended, and it is therefore necessary that the same should be amended: *Be it therefore enacted by the Lieutenant Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same, That the owner or proprietor of all and every mill, hedge, or stone-stop, on either of the rivers Nottoway and Meherrin, shall, in the space of nine months from and after the passing of this act, make an opening or slope in their respective mill dams, hedges or stops, in that part of the same where there shall happen to be the deepest water, which shall be in width at least ten feet in the clear, in length at least three times the height of the dam, and that the bottoms and sides thereof shall be planked, and that the sides shall be at least fourteen inches deep, so as to admit a current of water through the same twelve inches deep, which shall be kept open from the tenth day of February to the last day of May in every year.*

Owners of mills on Nottoway & over Meherrin, to make slopes through their dams.

Penalty for neglect.

II. *And be it further enacted, by the authority aforesaid, That if any such owner or proprietor shall neglect or refuse so to do, within the time aforesaid, the person so offending shall forfeit and pay the sum of five pounds for every day he or they shall so neglect or refuse; one moiety whereof shall be to our sovereign lord the king, his heirs and successours, for the use of the county where the offence shall be committed, and shall be applied and disposed of by the court of such county for and towards building bridges over*

either of the said rivers Nottoway and Meherrin respectively, and keeping them in repair, and the other moiety to the informer, to be recovered by action of debt or information in any court of record within this colony.

III. *And be it further enacted, by the authority aforesaid,* That every such owner and proprietor of any mill on the river Appamattox shall, in like manner, keep such openings or slopes in their respective mill-dams, for the passage of fish, of the same dimensions, and to be built and placed in the same manner and form, and to be kept open for the same space of time, as is herein before directed for such openings or slopes on the rivers Nottoway and Meherrin; and that every such owner or proprietor who shall neglect or refuse so to do, within the time aforesaid, shall forfeit and pay the like sum of five pounds for every day he or they shall so neglect or refuse; to be sued for and recovered, applied and appropriated, in the manner herein after directed.

Provisions of  
this act ex-  
tended to  
Appamat-  
tox.

IV. *And be it further enacted,* That every such owner or proprietor of any mill on the said river Appamattox, above Atkinson's mill, shall, within the space of nine months from and after the passing of this act, build and place a lock in their respective mill dams sufficient for the passage of boats and canoes, of such dimensions, and to be placed in such part of their respective dams, as shall be ordered and directed by the persons herein after named and appointed trustees for clearing the said river Appamattox, or the major part of them; and if any such owner or proprietor shall neglect or refuse so to do, within the time aforesaid, he shall forfeit and pay the sum of forty shillings for every week he or they shall so neglect or refuse: And it shall and may be lawful to & for the said trustees to sue for and recover all such penalties and forfeitures arising on the said river Appamattox, and to which such owners or proprietors on that river shall be subject, in the name of the trustees appointed for clearing Appamattox river, in any court of record within this colony; and shall apply the same for and towards clearing the said river, and to no other use or purpose whatsoever.

Penalty for  
neglect.

V. *And be it further enacted, by the authority aforesaid,* That if any person or persons shall hereafter erect or raise any mill, hedge or stone-stop, on either

Like open-  
ings or  
slopes in mill



dams hereaf-  
ter to be  
erected over  
Appamattox.

of the rivers Nottoway or Meherrin, or any mill on the said river Appamattox, every such person or persons shall have the like opening or slope in the same as is hereby before directed: And also that if any person or persons shall hereafter build any mill on the said river Appamattox, either above the said Atkinson's mill, or below the same; as the said river shall or may from time to time happen to be cleared and made navigable, such person or persons shall, in like manner, build a lock therein, in such part of their said mill-dams as shall be directed by the said trustees; and in case of neglect or failure shall be subject and liable to the same penalties and forfeitures respectively as the owners of mills, hedges, or stone-stops, already built and raised in the said rivers, are by this act subjected and made liable to; to be recovered, appropriated and applied, respectively, in the manner herein before directed.

Trustees ap-  
pointed.

VI. *And be it further enacted by the authority aforesaid*, That Archibald Cary, Richard Eppes, Thomas Tabb, Robert Bolling, Peter Legrand, Ryland Randolph, Thomas Nash, William Archer, Christopher Hudson, Alexander Trent, & John Morton, Gentlemen, shall be, and they are hereby nominated, constituted and appointed, trustees for clearing the said river Appamattox; and they are hereby authorized and empowered to take and receive subscriptions for that purpose, and shall apply the money arising from such subscriptions, together with the fines appropriated for that purpose as aforesaid, for and towards clearing the said river: and if any person or persons shall neglect, fail or refuse, to pay the several sums of money by them respectively subscribed for and towards clearing the said river, it shall and may be lawful for the said trustees to sue for and recover the same, in the name of the trustees appointed for clearing Appamattox river, either by petition, where the subscription shall not exceed five pounds, and where the same shall be above that sum, by action of debt.

Their power  
and duties.

VII. *And be it further enacted, by the authority aforesaid*, That the said trustees, or the major part of them, may agree with any person or persons for clearing the said river; who shall have full power and authority to remove all hedges or stops which they or the said trustees shall think in any wise to obstruct the navigation of the same, except such mills & mill-dams as

are by this act permitted and allowed to be built and raised: And it shall and may be lawful for the said trustees, or any person or persons employed by them in the execution of this act, to pass through, or go on shore, upon the lands of any person whatsoever, without being subject to an action of trespass for the same; and if any suit shall be commenced for any thing done in pursuance of so much of this act as relates to the clearing the said river, the person or persons sued may plead the general issue, and give this act in evidence; and every court before which such suit shall be prosecuted, where a verdict shall be found for the defendant, or the plaintiff shall be nonsuited, shall give judgment for the defendant, and treble costs.

VIII. *And be it further enacted, by the authority* Trustees to *aforsaid,* That the said trustees shall, in the court of give bond. the counties where they shall respectively reside, give bond, with sufficient security, in a reasonable penalty, payable to his majesty, his heirs and successours, with a condition for the true and faithful application of all such sums of money as they shall respectively receive by virtue of this act, for and towards the purposes hereby directed.

IX. *And be it further enacted, That* in case of the death, removal out of the country, or other legal disability, of any one or more of the trustees before named, it shall and may be lawful for the surviving or remaining trustees, from time to time, by instrument in writing under their respective hands and seals, to elect and choose so many other persons, in the room of those so dead, removed or disabled, as shall make the number of eleven; which trustees so chosen shall, in like manner, give such bond and security, and with such condition, as is herein before directed to be given by the trustees above particularly named, and shall then, to all intents and purposes, be vested with the same power as any of the said trustees afore-named; and every such instrument of nomination shall be recorded in the court of the county wherein such trustee shall reside. Vacancies, how supplied.

X. *And be it further enacted, by the authority* *aforsaid,* That it shall not be lawful for any person whatsoever to erect, raise or build, any hedge or stop on the said river Appamattox; and if any person shall presume so to do, he or they so offending shall forfeit and pay the sum of twenty pounds, which shall and may be sued for and recovered by the said trustees, in Penalty for building hedges or stops.



Repeal of  
former acts.

their names, as above mentioned, and shall be applied by them to and for the purposes of this act in clearing the said river.

XI. *And be it further enacted, by the authority aforesaid, That all and every other act and acts of assembly, and every clause and article therein contained, for or concerning any thing within the purview of this act, shall be, and the same are hereby, repealed and declared void.*

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## CHAP. XVII.

### *An Act for disposing of the publick stores of gunpowder in the Magazine in the city of Williamsburg.*

Public stores  
of gunpow-  
der, in maga-  
zine, at Wil-  
liamsburg to  
be sold.

I. WHEREAS it is represented to this present general-assembly, by the inhabitants of the city of Williamsburg, that a large quantity of gunpowder is constantly kept in the publick magazine in the said city; which, being left entirely unguarded, may be of dangerous consequence, as well to the publick in general as to the said city in particular.

II. *Be it therefore enacted, by the Lieutenant Governour, Council & Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act it shall and may be lawful to and for the governour or commander in chief of this colony for the time being, and he is hereby desired, to cause the said gunpowder, or such part thereof as he shall judge necessary, to be sold and disposed of for the best price that can be got; and one moiety of the money arising from the sale thereof shall be to our sovereign lord the king, his heirs and successours, for and towards the better support of this government, and the contingent charges thereof; and the other moiety thereof shall be paid to the treasurer of this colony for the time being, to be accounted for to the general-assembly.*

## CHAP. XVIII.

*An Act to amend an act, entitled, an act for regulating Ordinaries, and restraint of tippling-houses.*

I. WHEREAS by an act of assembly made in the twenty-second year of the reign of his late majesty king George the second, entitled, An act for regulating ordinaries, and restraint of tippling-houses, it is, amongst other things, enacted “that if any ordinary keeper shall sell drink to any sailor, in actual pay on board any ship, upon credit, for any value whatsoever, or if he or any other person shall sell any liquors by retail exceeding twenty shillings current money, or the value thereof, in any one year, to any person or persons, upon credit, or if any ordinary-keeper shall take obligation or other specialty for any sum or quantity of tobacco whatsoever for liquors retailed or sold upon credit, he or she shall not recover any money, tobacco, or other commodity, for liquors so sold upon credit, but every such bill, obligation or specialty, shall be void; and if any warrant, petition, writ or bill, shall be presented or exhibited against any person for the same, such warrant, petition, writ or bill, be dismissed, and the defendant shall have double costs;” which restriction hath been found to be very injurious to ordinary-keepers, with respect to debts contracted with them by travellers, and other transient people, of whom they frequently suffer the loss of their just demands.

II. *Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same, that from and after the passing of this act it shall and may be lawful for such ordinary keepers as are duly and legally licensed to keep publick-houses to sell by retail or otherwise, any quantity of liquors to any person whatsoever, except sailors in actual pay on board any ship, or such persons as shall be actually inhabitants of the county, or residents of the town, wherein such ordinary shall be kept, and may give such credit for the same as they shall think proper.*

Recital of former act.

Ordinary-keepers may sell drink, on credit, except to sailors, and residents of the county or town.



Saving the  
act of limita-  
tions.

III. *Provided*, That no such debtor shall be hereby debarred from claiming the benefit of the act for limitation of actions, and avoiding of suits, in the same manner as they may do in other cases; and it shall and may be lawful also for such ordinary-keepers to take bonds, bills, or other specialties, for the payment of such debts; and to sue for, and recover, the same, according to the course of common law, and the laws of this colony, in the same manner as if the above in part recited act had never been made.

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## CHAP. XIX.

*An act for paying the Burgesses wages in money for this present session of assembly.*

Burgesses  
wages paya-  
ble in mo-  
ney.

I. WHEREAS by one act of assembly made in the third and fourth years of the reign of his late majesty king George the second, entitled, An act for the better regulating the payment of the Burgesses wages, it is, amongst other things, enacted that when any session of assembly should be thereafter held, and upon examination of the treasurer's account it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the said payment, a balance of fifteen hundred pounds at the least, then every Burgess elected and serving for any county or corporation within this dominion should be paid out of the publick money the sum of ten shillings for each day he should serve in the house of burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed.

At what  
time.

II. And whereas it appears that there is not money sufficient in the treasurer's hands to pay the Burgesses wages for this present session of assembly, leaving in the

hands of the treasurer a balance of fifteen hundred pounds, according to the directions of the said act; nevertheless, as the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll, *Be it enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, that the Burgesses wages for this present session of assembly shall be paid by the treasurer out of the publick money in his hands, on or before the thirtieth day of April next, according to the directions and regulations in the said recited act mentioned, any thing in the said act to the contrary notwithstanding.*

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## CHAP. XX.

### *An Act for establishing the town of Charlottesville, in the County of Albemarle.*

I. WHEREAS it is represented to this present general-assembly that fifty acres of land, contiguous to the courthouse of Albemarle county, have been lately laid off into lots and streets for a town, which would be of great advantage to the inhabitants of that county, if established a town for the reception of traders: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the said fifty acres of land, so laid off as aforesaid, shall be, and are hereby established a town, to be called and known by the name of Charlottesville.*

Town of  
Charlottes-  
ville, in  
county of Al-  
bemarle, es-  
tablished.

II. *And be it further enacted, by the authority aforesaid, That the freeholders and inhabitants of the said town, so soon as they shall have built upon and saved their lots, according to the conditions of their deeds of conveyance, shall then be entitled to, and have and enjoy, all the rights, privileges and immunities,*



granted to or enjoyed by the freeholders and inhabitants of other towns erected by act of assembly in this colony.

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## CHAP. XXI.

### *An Act for establishing the town of Romney, in the county of Hampshire, and for other purposes therein-mentioned.*

Town of Romney, in county of Hampshire established.

I. WHEREAS it hath been represented to this general assembly that the right honourable Thomas Lord Fairfax, hath lately laid out a parcel of land, at the place where the courthouse stands, in Hampshire county, into one hundred lots, of half an acre each, with streets for a town, by the name of Romney, and disposed of the said lots to divers persons, who have settled and built thereon, and who have made humble application to this assembly that the same may be by law established a town: *Be it therefore enacted by the Lieutenant Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That the said piece or parcel of land be, and the same is hereby erected and established a town in the manner it is already laid out into lots and streets, to be called by the name of Romney; and that the freeholders of the said town, as soon as their lots shall be built upon and saved, according to the conditions of their deeds, shall for ever hereafter enjoy the same privileges which the freeholders of other towns erected by act of assembly enjoy.

Ten acres of land, of John Randolph, Esq'r, added to City of Williamsburg.

II. And whereas John Randolph, Esquire, hath laid off ten acres of his land, adjoining the southern boundaries of the City of Williamsburg, fronting England Street, and bounded on the east and west sides by a water-course, and to the south by a direct line to be run from the water-course on the east to the water-course on the west side, so as to include the said ten acres into lots, and hath lately built and

made considerable improvements thereon: *Be it therefore enacted by the authority aforesaid*, that the said ten acres of land be, and the same are hereby added to, and made part of, the said city; and that the said John Randolph, and all and every other person or persons whatsoever, to whom he may at any time hereafter sell or dispose of any of the said lots, as soon as they shall build on and save the same, according to the conditions of their deeds of conveyance, shall then be entitled to, and have and enjoy, all the rights, privileges and immunities, granted to and enjoyed by the freeholders and inhabitants of the said city, and shall be subject to the same jurisdiction, rules and government.

III. And whereas by an act made in the first year of the reign of his present majesty, entitled, *An act for further enlarging the town of Dumfries, in the county of Prince-William, a certain quantity of the lands adjacent to the said town, and particularly described in the said act, were added to and made part of the said town, and it was thereby enacted that the freeholders and inhabitants thereof, so soon as the same should be built upon and saved in the same manner as the lots of the said town were directed to be built upon and saved by the acts of assembly establishing the same, should then be entitled to, and have and enjoy all the rights, privileges and immunities, granted to or enjoyed by the freeholders and inhabitants of the said town.* Lots in certain parts of Dumfries, not liable to forfeiture, for not being improved.

IV. And whereas by the said former act of assembly, for establishing the said town, the freeholders and inhabitants thereof were required to build upon and improve their lots, in the manner, and within the time, in the said act particularly expressed and limited; and that, in case of their failing or refusing so to do, their said lots should be forfeited, and revested in the trustees of the said town, to be by them disposed of, for the purposes in the said act mentioned: and it being represented that several of the lots laid off on the said additional lands above-mentioned are incapable of being built upon, and saved, in the manner by the said act required, *Be it therefore further enacted, by the authority aforesaid*, that the owners or proprietors of such of the said lots as lie between the main street, called water-street, and Quantico Creek, shall not be liable or subject to any forfeiture of their said lots for



not building and improving the same, as was required of the purchasers of lots in the said town by the before-mentioned act of assembly establishing the same.

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## CHAP. XXII.

### *An Act for establishing the town of Mecklenburg, in the county of Frederick.*

Town of  
Mecklen-  
burg, in Fre-  
derick coun-  
ty establish-  
ed.

I. WHEREAS it is represented to this present general-assembly that Thomas Shepherd, of the county of Frederick, hath laid off about fifty acres of his land on Potowmack river, in the said county, into lots and streets for a town, and hath disposed of many of the said lots, the purchasers whereof have made their humble application that the said land may be established a town, being pleasantly and commodiously situated for trade and commerce.

II. *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same, That the lots and streets so laid off on the said land be, and are hereby constituted, appointed, erected and established, a town, to be called by the name of Mecklenburg; and that the freeholders and inhabitants of the said town, so soon as they shall have built upon and saved their said lots, according to the conditions of their deeds of conveyance, shall then be entitled to, and have and enjoy, the same privileges, rights and advantages, which the freeholders and inhabitants of other towns erected by act of assembly in this colony do at present enjoy.*

## CHAP. XXIII.

*An Act for establishing the town of Hanover, in the county of Hanover.*

I. WHEREAS it is represented to this present general assembly that the place where the warehouses called Page's on Pamunkey river, in the county of Hanover, stand, is become a place of considerable trade and commerce, which would be much enlarged if a town was established there: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for Mann Page, esquire, proprietor of the said lands, to lay off one hundred acres thereof into lots and streets for a town, to be called and known by the name of Hanover.*

Town of  
Hanover, in  
Hanover  
county es-  
tablished.

II. *And be it further enacted, by the authority aforesaid, That the purchasers of the said lots, so soon as they shall have built upon and saved the same, according to the conditions of their deeds of conveyance, shall then be entitled to, and have and enjoy, all the right, privileges and immunities, which the freeholders and inhabitants of other towns erected by act of assembly in this colony do enjoy.*

III. *And be it further enacted, by the authority aforesaid, That from and after the first day of April next it shall not be lawful for any person or persons inhabiting within the said town to raise or keep any swine within the limits thereof, and suffer the same to go at large therein; and if any swine so raised or kept shall be found going or running at large within the said town, it shall and may be lawful for any person to kill and destroy the same.*



## CHAP. XXIV.

*An Act enlarging the town of Petersburg, and for other purposes therein mentioned.*

Town of Petersburg enlarged.

I. WHEREAS by an act of assembly made in the twenty second year of the reign of his late majesty king George the second, entitled, an act for establishing the towns of Petersburg and Blandford, in the county of prince George, and for preventing the building wooden chimnies in the said town, a town was established by the name of Petersburg, now in the county of Dinwiddie, which has since very greatly increased, and become a place of considerable trade; and whereas Peter Jones, gentleman, hath laid off twenty-eight acres of his land adjoining the said town into lots and streets, and hath disposed of several of the said lots, the purchasers whereof have petitioned this present general assembly that the same may be added to and made part of the said town; and it is also necessary that trustees may be appointed to regulate the streets, and settle the bounds of the lots in the said town: *Be it therefore enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Robert Bolling, Roger Atkinson, William Eaton, John Bannister, Robert Rullin, Thomas Jones, Henry Walker, George Turnbull and James Field, gentlemen, be, and they are hereby constituted and appointed, trustees for the said town; and they, or any five, or more of them, are hereby authorized and empowered, from time to time, and at all times hereafter, to lay off and regulate the streets of the said town, and to settle and determine all disputes concerning the bounds of the lots of the said town, and to settle and establish such rules and orders for the more regular and orderly building of the houses in the said town as to them shall seem best and most convenient.*

Trustees appointed.

Vacancies, how supplied.

II. And for continuing the succession of the said trustees, *Be it further enacted, by the authority aforesaid, That in case of the death, removal out of the country, or other legal disability, of any one or more of the trustees before named, it shall and may be lawful for the surviving or remaining trustees, from time*

to time, to elect and choose so many other persons, in the room of those so dead, removed or disabled, as shall make up the number of nine; which trustees so chosen shall be, to all intents and purposes, vested with the same power as any other in this act particularly nominated and appointed; and every such instrument of nomination shall be recorded in the court of the said county of Dinwiddie.

III. *And be it further enacted, by the authority aforesaid,* That the said twenty-eight acres of land so laid off by the said Peter Jones into lots and streets shall be, and are hereby added to, and made part of, the said town of Petersburg; and that the freeholders and inhabitants thereof, so soon as they shall have built upon and improved the same, in the manner herein after directed, shall then be entitled to, and have and enjoy, all the rights, privileges and immunities, granted to and enjoyed by the other freeholders and inhabitants of the said town.

IV. *And be it further enacted, by the authority aforesaid,* That every purchaser of the said lots hereby added to the said town shall, within the space of four years after their respective purchases, build upon each of their said lots, and finish one good house of brick, stone or wood, to contain at least three hundred and twenty square feet of superficial measure, upon the ground plot; and if any such purchaser shall neglect or refuse so to do, within the time aforesaid, their said lots shall be forfeited, and shall be vested in the trustees of the said town for the time being, and shall be by them sold and disposed of for the best price that can be got, and the money arising from the sale thereof shall be by the said trustees paid to the owners or proprietors of such lots respectively: And if any purchaser or purchasers of the said lots, their heirs or assigns, shall not, within the space of four years next after such purchase made, begin to build and finish on each lot so purchased one good house of the dimensions aforesaid, every such purchaser shall forfeit his estate in such lot, and the same shall be revested in the said trustees, who shall be, and they are hereby empowered, to sell such forfeited lots for the best price that can be got; and the money arising upon such sale shall be laid out by the said trustees in building wharfs, and other improvements, for the benefit and advantage of the said town. And if the subse-

Forfeiture  
for not im-  
proving lots.



quent purchaser or purchasers of such unimproved lots shall fail to build upon the same, according to the directions of this act, such lots shall, as often as the case may happen, be revested in the said trustees, who are hereby empowered and directed to sell the same for the benefit of the said town.

V. *Provided always*, That nothing in this act contained shall extend, or be construed to extend, to any infant, owner or proprietor of unimproved lots in the said town; but that such infant shall, within three years next after his or her coming of age, begin to build and finish a good house upon his or her said lots, of the dimensions aforesaid, under penalty of forfeiting the same, and to be disposed of in the manner herein before directed, for the benefit of the said town.

Hogs not to  
run at large.

VI. *And be it further enacted, by the authority aforesaid*, That from and after the first day of March next it shall not be lawful for any person or persons inhabiting within the said town to raise or keep any swine within the limits thereof, and suffer the same to go at large therein; and if any swine so raised or kept shall be found going at large therein, it shall and may be lawful for any person to kill and destroy the same.

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## CHAP. XXV.

### *An Act for enlarging the town of Alexandria, in the county of Fairfax.*

Town of  
Alexandria  
enlarged.

I. WHEREAS by an act of assembly made in the twenty-second year of the reign of his late majesty king George the second, entitled, an act for establishing a town at Hunting-Creek warehouse, in the county of Fairfax, a town was erected and established on Potowmack river, by the name of Alexandria, in the said county, and it is represented to this present general assembly that all the lots by the said act included within the bounds of the said town are already built upon, except such of them as are situated in a low wet marsh, which will not admit of such improvements; and that divers traders and others are desirous of settling there, if a sufficient quantity of the lands of

Baldwin Dade, Sibel West, John Alexander the elder, and John Alexander the younger, which lie contiguous to the said town, were laid off into lots & streets, and added to and made part thereof: *Be it therefore enacted by the Lieutenant Governour, Council and Burgeses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That so much of the said adjacent lands as are included within the bounds herein-after described shall be vested in the trustees of the said town, and their successors, for the time being, and shall be added to and made part of the said town of Alexandria, to wit: beginning at the corner of the lot denoted in the plan of the said town by the figures 77, on the said river Potowmack, at the lower end of the said town, and to extend thence down the said river the breadth of two half acres, and one street thence back into the fields, by a line parallel to the lower line of the said town, such a distance as to include ten half-acre lots and four streets; thence by a line parallel with the present back line of the said town to the extent of seventeen half-acre lots and eight streets, and from thence by a line at right angles with the last to the river. Limits.

II. *And be it further enacted, by the authority aforesaid,* That the directors and trustees of the said town, or any eight of them, shall have full power and authority to direct the surveyor of the said county of Halifax to survey and lay off the said additional land into streets and lots, as they shall think fit, and shall sell the same when laid off at publick auction, from time to time, to the highest bidder, so as that no person shall have more than two lots; and when such lots shall be sold by the said trustees, or any two or more of them, shall and may, on payment of the purchase money, by deed of bargain and sale, or feoffment, convey, and assure the fee simple estate of and in such lot or lots, to the purchaser or purchasers; and he or they, and his or their heirs and assigns, respectively, shall and may, forever hereafter, hold and enjoy the same.

III. *Provided always,* That the said trustees shall pay the money arising from such sales, from time to time, to the owner or proprietor, for the time being, respectively, of the lands whereon the said lots shall happen to be laid off and sold as aforesaid.



IV. *And be it further enacted, by the authority aforesaid, That the freeholders and inhabitants of such of the said lots as are not part of and laid out upon the marsh included with the said additional lands, as soon as the same shall be built upon and saved in the same manner as the lots in the said town were directed to be built upon and saved by the above mentioned act of assembly, and also the freeholders, owners and proprietors of the lots on the said marsh, as soon as they shall have complied with the rules and orders herein-after prescribed respecting those lots, shall then be entitled to, and have and enjoy, all the rights, privileges and immunities, granted to and enjoyed by the other freeholders and inhabitants of the said town.*

Privileges of  
owners of  
marsh lots.

V. *And whereas it was by the said act required that the grantee or grantees of every lot within the said town, when the same was by the said act established, should within the time therein-mentioned erect, build and finish, on each lot conveyed to them by virtue of the said act, one house of the dimensions and according to the regulations in the same act particularly expressed, under the penalty of forfeiting the same, but it is found impracticable to build on such of the said lots as are included within the said marsh: Be it therefore further enacted, by the authority aforesaid, That the owners and proprietors of such marsh lots shall not be obliged to build thereon, as by the said act is directed, & shall not be subject or liable to any forfeiture of the same for not building thereon as aforesaid; but that such owners and proprietors, together with the purchasers of such of the said additional lots as shall be laid off on the said marsh, shall drain the same, so as to render them capable of improvements, either by building thereon, or turning the same into meadow grounds, in such manner as the said trustees shall order and direct, and shall pay their proportionable part of any expense occasioned by such draining to the said trustees, to be by them applied to the purposes aforesaid.*

VI. *And be it further enacted, That if any such owner, proprietor or purchaser, shall fail or refuse to pay such proportionable part of the said expense as shall be adjusted and awarded against him or them by the said trustees, such owner, proprietor or purchaser, shall forfeit their said lots in the said marsh, and the same shall be re-vested in the said trustees, and shall*

and may be sold and conveyed to any other person or persons whatsoever, in the manner before directed; and the money arising from the sale of such lots shall be by the said trustees, from time to time, applied to such use, for the common benefit of the inhabitants of the said town, as to them shall seem proper.

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## CHAP. XXVI.

*An Act to empower the vestry of the parish of Bruton to sell certain lots in the city of Williamsburg, for the purposes therein mentioned.*

I. WHEREAS it is represented to this present general assembly by the ministry and vestry of the parish of Bruton, in the counties of York and James City, that one Jonathan Druitt, deceased, did, by his last will and testament, which was established by decree of the general court the thirtieth day of April, one thousand seven hundred and thirty-five, give and devise to one Richard Stayton, and the issue male of his body, three lots or half acres of land in the city of Williamsburg; but if he should die before he attained the lawful age, or without issue, then to objects of charity belonging to the said parish, and made the vestry of the said parish his executors: That the said Richard Stayton is since dead without issue, and that as the said lots have no buildings or other improvements thereon, it would best answer the charitable intent of the donor if they were empowered to dispose of the said lots, and apply the interest of the purchase money towards the relief of the poor of the said parish.

Vestry of Parish of Bruton authorized to sell certain lots in Williamsburg.

II. *Be it therefore enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the vestry of the said parish, at any time after the passing of this act, and they are hereby authorized and empowered, to sell and dispose of the said lots, for the best price that can be got, to any person or persons*



willing to purchase the same, and to convey the said lots, by deed of bargain and sale, wherein this act shall be recited, to such purchaser or purchasers, his or their heirs and assigns, for ever.

III. *And be it further enacted, by the authority aforesaid,* That as soon as the said vestry shall have received the money for which the said lots shall be sold, they or the major part of them, shall lend and place the same in the hands of any responsible person, taking bond, with good and sufficient security, in the penalty of double the money so lent, payable to themselves and their successors, the vestry of the said parish, for the time being, with a condition for the repayment of the said money, together with legal interest thereon, whenever the same shall be demanded; and the said vestry shall apply the interest arising on the said money, from time to time, to the relief of such objects of charity belonging to the said parish as they shall think proper, and to no other use, intent or purpose, whatsoever.

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## CHAP. XXVII.

*An Act for appointing Directors and Trustees of the town of Blandford, in the county of Prince George, and to prevent hogs running at large therein.*

Trustees of  
town of  
Blandford, in  
Prince  
George ap-  
pointed.

I. WHEREAS it is represented to this present general assembly that the town of Blandford, on Appamattox river, in the county of Prince-George, since the establishment thereof, hath greatly improved, and would still more and more improve, and trade thereof be increased, if directors and trustees were appointed, and the proprietors obliged to build on their lots in the said town: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That sir William Skipwith, Baronet, Robert Bolling, Samuel Gordon, William Poy-

thress, junr. Patrick Ramsey, Peter Randolph Bland and John Baird, Gentlemen, be, and they and every of them are hereby constituted and appointed directors and trustees for building, carrying on, and maintaining the said town; and they, or the major part of them, shall have power to meet, as often as they shall think necessary, for directing the building of a wharf at the publick landing of the said town.

II. *And be it further enacted, by the authority aforesaid,* That the said directors and trustees shall have full power and authority to establish, from time to time, such rules and orders, for the regular placing the houses on the streets in the said town, as to them shall seem fit; and if the inhabitants of the said town, or the owners of any lots therein, shall fail to obey and pursue the rules and orders of the said directors for the regular placing the houses on the streets as aforesaid, they shall forfeit and pay the sum of fifteen shillings, to be recovered by the said directors before any justice of the peace, and shall be applied by them towards building and keeping in repair a wharf for the use of the said town. And if any person shall presume to erect or build any house or houses on the streets of the said town, it shall be lawful for the said trustees to pull down and destroy such buildings, or cause the same to be pulled down, at the expense of the person who shall have built and erected the same, to be recovered and applied by the said trustees in manner aforesaid. Their power and duties.

III. And for continuing the succession of the said directors and trustees, until the said town shall be incorporated, *Be it further enacted, by the authority aforesaid,* That in case of the death, removal, or refusal to act, of any of the said directors or trustees, the surviving or other directors, or the major part of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing under their respective hands and seals, to nominate and appoint some other person or persons, being an inhabitant or freeholder of the said town, in the place of him or them so dying, removing, or refusing; which new director or directors, so nominated and appointed, shall from thenceforth have the like power and authority, in all things relating to the matters herein contained, as if he or they had been expressly nominated and appointed in and by this act; and every such instrument and Vacancies how supplied.



nomination shall, from time to time, be entered and registered in the books of the said directors.

Forfeiture  
for not im-  
proving lots.

IV. *And be it enacted, by the authority aforesaid, that* if the respective owners and proprietors of the lots in the said town of Blandford, their heirs or assigns, shall not, within the space of three years from the passing of this act, begin to build and finish on each of their respective lots, on which no house is already built, one good dwellinghouse, containing four hundred square feet of superficial measure, upon the ground plot, or proportionably thereto, if such owner or proprietor hath or shall have two lots contiguous (but no building, of what dimensions soever, upon one lot, shall extend to save more than two lots) and every lot not built upon as aforesaid shall be vested in the said directors and trustees, and they shall be seized of and in a pure, absolute, perfect, and indefeazable estate of inheritance, in fee simple, in trust, to and for the uses, intents and purposes, herein-after mentioned, that is to say; that they, the said directors and trustees shall have full power and authority to sell such unimproved lots for the best price that can be got, and to convey the fee simple estate thereof, by good and sufficient deed or deeds, to any person or persons that shall be willing to purchase the same, and the money arising upon such sale shall be paid to the owners or proprietors of the said lots respectively:— and if any purchaser or purchasers of the said lots, their heirs or assigns, shall not, within the space of two years next after such purchase made, begin to build and finish on each lot so purchased one good dwellinghouse, of the dimensions aforesaid, every such purchaser shall forfeit his estate in such lot, and the same shall be revested in the said trustees, who shall, and they are hereby empowered to sell such forfeited lots for the best price that can be got, and the money arising upon such sale shall be laid out by the said trustees in building publick wharfs, and other improvements, for the advantage and benefit of the said town; and if the subsequent purchaser or purchasers of such unimproved lots shall fail to build upon the same, according to the directions of this act, such lots shall, as often as the case may happen, be revested in the said trustees, who are hereby empowered and directed to sell the same, for the benefit of the said town.

V. *Provided always*, That nothing in this act contained shall extend, or be construed to extend, to any infant, owner or proprietor of unimproved lots in the said town; but that such infant shall, within three years next after his or her coming of age, begin to build and finish a good dwellinghouse upon his or her said lots, of the dimensions aforesaid, under penalty of forfeiting the same, and to be disposed of in the manner herein before directed, for the benefit of the said town.

VI. *And be it further enacted, by the authority aforesaid*, That from and after the first day of April next it shall not be lawful for any person or persons inhabiting within the said town to raise or keep any swine within the limits thereof, and suffer the same to go at large therein; and if any swine so raised or kept shall be found going or running at large within the said town, it shall and may be lawful for any person to kill and destroy the same.

Hogs not to  
run at large.

#### CHAP. XXVIII.

*An Act to empower the Vestry of the Parish of St. Patrick, in the County of Prince-Edward, to levy for Thomas Wood a reasonable satisfaction for his expenses in building a Church there, which was burnt down before it was finished.*

WHEREAS Thomas Wood did lately contract with the vestry of the parish of St. Patrick, in the County of Prince-Edward, to build a church for the said parish, for a certain consideration agreed on between them, and had almost finished the same, when it was accidentally burnt down; and whereas the parishoners of the said parish are willing to pay the said Thomas Wood a reasonable satisfaction for the expense and trouble he hath been at, and for the ma-

Vestry of St. Patrick, in Prince Edward, authorised to levy money for Thomas Wood, for building a church, which was



burnt down,  
before finish-  
ed.

terials and Workmanship he had provided and expended on the said building; and are desirous that an act may pass to enable the vestry of the said parish to raise the same: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That the vestry of the said parish of St. Patrick may and they are hereby empowered to levy on the inhabitants of the said parish, for the use of the said Thomas Wood, in one or more years, and in such proportion as they shall judge least burthensome to the said inhabitants, so much money or tobacco as they shall think will be sufficient to reimburse the said Thomas Wood for his expenses on the said building.

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## CHAP. XXIX.

### *An Act for adding part of the Parish of Cameron to the Parish of Truro.*

Part of the  
parish of Ca-  
meron added  
to the parish  
of Truro.

I. WHEREAS it is represented to this present general assembly that the addition of a small part of the Parish of Cameron, which lies within the lines that divide the two counties of Loudoun and Fairfax, to the Parish of Truro, in the said county of Fairfax, would be of great ease and advantage to the inhabitants of that part of the said Parish of Cameron, who are in their present remote situation subject to many inconveniences: *Be it therefore enacted by the Lieutenant Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That from and after the first day of January next, all that part of the said parish of Cameron that lies below the present established lines that divide the said counties of Loudoun and Fairfax shall be united to, and made part of, the said Parish of Truro.

II. *Provided always,* That nothing herein contained shall be construed to hinder the collector or collectors of the said parish of Cameron, as the same now

stands intire and undivided, from collecting and making distress for any parish levies which shall remain unpaid by the inhabitants of that part of the said parish of Cameron hereby added to, and made part of, the said parish of Truro, at the time the said division shall take place; but such collector or collectors shall have the same power to collect and distrain for the said levies, and shall be answerable for them in the same manner, as if this act had never been made, any law, usage or custom, to the contrary thereof, in any wise, notwithstanding.

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CHAP. XXX.

*An Act for settling the bounds between the Parishes of Martin's Brandon and Bristol, in the County of Prince George.*

WHEREAS the boundaries between the parishes of Martin's-Brandon and Bristol, in the county of Prince-George, cannot be ascertained by any law now in force, and many controversies have arisen concerning the same: for settling the said boundaries for the future, *Be it enacted by the Lieutenant-Governour, Council and Bugesses, of this present General-Assembly, and it is hereby enacted by the authority of the same, that the said parishes shall be divided by Lawson's Creek on Appamattox river, until it meets with the line dividing the land of Theodorick Bland from the land of William Gibbs, and from thence by a line to be run South to Sussex County; and that the expence of running the said line shall be discharged by the said parishes, in proportion to the number of tithables in each parish.*

Bounds between parishes of Martin's Brandon and Bristol, in Prince George settled.



*An Act for dividing the Parish of Accomack,  
in the County of Accomack, into two dis-  
tinct Parishes.*

Parish of Accomack in county of Accomack divided.

I. WHEREAS the Parish of Accomack, in the county of Accomack, by reason of the great extent thereof, is very inconvenient to the inhabitants, who are thereby deprived of the benefits and advantages of attending divine service, which they might obtain from a more constant & a regular attendance thereon: *Be it therefore enacted by the Lieutenant-Governour, Council & Burgesses, of this present General-Assembly, & it is hereby enacted by the authority of the same,* That from and after the third day of January next, the said parish of Accomack shall be divided into two distinct parishes, by a line to begin at the mouth of Parker's creek, thence to run up the said creek to the head of Rooty Branch. and from thence by a direct line to be run to the head of the branch called Drummond's new mill branch, and thence down the said branch to the mouth of Hunting Creek; and that all that part of the said parish of Accomack which lies above the said bounds, and to the northward thereof, shall be one distinct parish, and retain the name of Accomack: and that all that other part thereof which lies below the said bounds shall be one other distinct parish, and shall be called and known by the name of St. George.

St. George parish formed.

II. *And be it further enacted, by the authority aforesaid,* That the freeholders and housekeepers of the said parishes of Accomack and St. George, respectively, shall meet at some convenient time and place, to be appointed and publickly advertised by the sheriff of the said county of Accomack, at least one month before the fifth day of February next, and then and there elect twelve of the most able and discreet persons of their respective parishes, for vestrymen, in each of the said parishes; which vestrymen so elected having in the court of the said county of Accomack taken and subscribed the oaths appointed to be taken by act of Parliament made in the first year of the reign of his late majesty king George the first, entitled, *An act for the farther security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia* (being

Protestants) and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall to all intents and purposes, be deemed and taken to be vestrymen of the said parishes, respectively.

III. *Provided always*, That nothing herein contained shall be construed to hinder the collector or collectors of the said parish of Accomack, as the same now stands intire and undivided, from collecting or making distress for any parish levies which shall remain unpaid by the inhabitants of the said Parish of St. George, at the time the said division shall take place; but such collector or collectors shall have the same power to collect and distrain for the said levies, and shall be answerable for them in the same manner, as if this act had never been made, any law, usage or custom, to the contrary thereof, in any wise, notwithstanding.

IV. *And be it further enacted, by the authority aforesaid*, That the glebe land of the said parish of Accomack, as the same now stands intire and undivided, with the appurtenances, be, and the same is hereby vested in the said parish of Accomack, to be elected in pursuance of this act, and in the vestry of the said parish for the time being, in trust: nevertheless that the said vestry, or the greater part of them, shall, by deed or deeds of bargain and sale, sell and convey the said glebe-land, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same; to hold to such purchaser or purchasers, his or their heirs and assigns, for ever.

V. *And be it further enacted*, That the vestry of the said Parish of Accomack, after they have received the purchase-money for which the said glebe shall be sold, shall divide the money arising from the sale thereof between the two parishes, in proportion to the number of tithables in each respective parish; and shall pay and deliver such proportionable part of the said money to the vestry of the said parish of St. George as they shall be entitled to on such division, and retain the other part in their own hands, to be by the vestries of the said parishes applied towards pur-



chasing glebes for their respective parishes, for the use and benefit of their ministers for the time being, for ever.

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CHAP. XXXII.

*An Act for dissolving the vestry of the parish of Hampshire, in the county of Hampshire, and electing a new vestry in the said parish.*

Vestry of  
Hampshire  
parish, in the  
county of  
Hampshire  
dissolved.

I. WHEREAS it hath been represented to this present general assembly that the sheriff of the county of Hampshire was guilty of sundry mal-practices at the late election of vestrymen for the parish of Hampshire, in the said county, and it appears that the said election was procured in an illegal and arbitrary manner, and the inhabitants of the said parish have petitioned for a dissolution thereof: *Be it therefore enacted by the Lieutenant Governour, Council and Burgesses, of this present General-Assembly and it is hereby enacted by the authority of the same, That the vestry, or pretended vestry, of the said parish, shall be, and the same is hereby dissolved; and that all and every act and acts, thing and things, which at any time hereafter shall or may be performed, suffered, or done by them, as a vestry, or pretended vestry of the said parish, shall be, and are hereby declared to be utterly void, to all intents and purposes.*

II. *Provided always, That all and every levy and levies heretofore laid, and every other act and thing by the said vestry, or pretended vestry, done or suffered, shall be good, valid and effectual, in as full and ample manner as if the election of the said vestry had been legal and regular.*

III. *And be it further enacted, by the authority aforesaid, That the freeholders and housekeepers of the said parish of Hampshire shall meet at some convenient time and place, to be appointed and publickly advertised at least one month before the first day of April next by the sheriff of the said county, and then and there elect twelve of the most able and discreet persons of*

the said parish to be vestrymen thereof; which said vestrymen so elected, having in the court of the said county of Hampshire taken and subscribed the oaths appointed to be taken by an act of parliament made in the first year of the reign of his late majesty king George the first, entitled, an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia (being protestants) and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall be, to all intents and purposes, deemed and taken to be vestrymen of the said parish.

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#### CHAP. XXXIII.

*An Act to empower the respective Vestries of the parishes of St. Andrew, in the county of Brunswick, and Frederick, in the county of Frederick, to sell their Glebe lands.*

I. WHEREAS it is represented to this present general assembly that the glebe lands of the parishes of St. Andrew, in the county of Brunswick, and of Frederick, in the county of Frederick, are inconveniently situated, and that it would be very advantageous to the ministers of the said parishes, as also to the inhabitants thereof in general, if the vestries of the said parishes were empowered to dispose of the said glebe lands, and lay out the money arising from the sale thereof in purchasing other lands for glebes, and erecting buildings thereon: *Be it therefore enacted, by the Lieutenant-Governour, Council, & Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said glebe lands, with the appurtenances, be, and the same are hereby*

Vestries of parishes of St. Andrew, in Brunswick, and of Frederick, in the county of Frederick, authorised to sell their glebes.



vested in the respective vestries of the said parishes of St. Andrew and Frederick, in trust: Nevertheless, that the said vestries respectively, or the greater part of them, shall, by deeds of bargain and sale, sell and convey the said glebe lands, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same; to hold to such purchaser or purchasers, his or their heirs and assigns for ever.

II. *And be it further enacted, by the authority aforesaid,* That the money arising by the sale of the said glebe lands, shall be by the said vestries, respectively, laid out and applied for and towards purchasing a more convenient tract or parcel of land for a glebe for each of the said parishes, and erecting buildings thereon for the use and benefit of the ministers of the said parish of St. Andrew and Frederick, respectively, for the time being for ever.

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#### CHAP. XXXIV.

#### *An Act for dividing the parish of Nottoway, in the county of Southampton.*

Parish of  
Nottoway, in  
county of  
Southamp-  
ton, divided.

I. WHEREAS the parish of Nottoway, in the county of Southampton, by reason of great extent thereof, is very inconvenient to the inhabitants, who are thereby in a great measure prevented from attending divine service, and they have petitioned this general assembly that the said parish may be divided into two distinct parishes: *Be it therefore enacted by the Lieutenant Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same.* That from and after the fifteenth day of January next, the said parish of Nottoway shall be divided by Nottoway river running through the same, according to the meanders thereof, and that all that part of the said parish that lies on the north side of the said river shall be one distinct parish, and retain the name of Nottoway; and that all that other

part thereof which lies on the south side of the said river shall be one distinct parish, and called by the name of St. Luke.

II. *And be it further enacted, by the authority afore-* St. Luke pa-  
*said,* That the freeholders and housekeepers of the *rish formed.*  
 said parishes of Nottoway and St. Luke, respectively, shall meet at some convenient time and place, to be appointed & publickly advertised by the sheriff of the said county of Southampton at least one month before the twenty-fifth day of March next, and then and there elect twelve of the most able and discreet persons of their respective parishes for vestrymen in each of the said parishes: which vestrymen so elected, having in the court of the said county of Southampton taken and subscribed the oaths appointed to be taken by an act of parliament made in the first year of the reign of his late majesty king George the first, entitled, an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia (being protestants) & for extinguishing the hopes of the pretended prince of Wales, and his open & secret abettors, and taken & subscribed the test & also subscribed the oath of abjuration, and repeated & subscribed to be conformable to the doctrine & discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be the vestries of the said parishes respectively.

III. *Provided always,* That nothing herein contained shall be construed to hinder the collector or collectors of the said parish of Nottoway, as the same now stands intire and undivided, from collecting or making distress for any parish levies which shall remain unpaid by the inhabitants of the said parish of Nottoway at the time the said division shall take place; but such collector or collectors shall have the same power to collect and distrain for the said levies, and shall be answerable for them in the same manner, as if this act had never been made.

IV. *And be it further enacted,* That the present glebe land of the said parish of Nottoway, as the same now stands intire and undivided, shall be, and the same are hereby vested in the vestry of the said parish of Nottoway, to be elected pursuant to this act, and in the vestry of the said parish for the time being, in trust: Nevertheless, that the said vestry, or the greater part of them, shall, by deed of bargain and



sale, sell and convey the said glebe, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same; to hold to such purchaser or purchasers, in fee-simple. And that when the said vestry shall have received the purchase money, they shall divide the same according to the number of tithables in each parish, and shall pay to the vestry of the said parish of St. Luke their equal proportion thereof, according to such division, and retain the residue; and shall lay out and apply the same for and towards purchasing glebes for the use and benefit of the ministers of their respective parishes, for the time being, for ever.

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#### CHAP. XXXV.

*An Act for adding part of the County of King and Queen to the County of Caroline, and for altering the Court-day of the said County of King and Queen.*

**I. WHEREAS** the inhabitants of the upper end of the county of King and Queen are subject to many inconveniences, and great loss of time, in attending their necessary business at the court and general-musters of the said county, by reason of their great distance from their courthouse, and they could with much more ease and convenience attend such business at the courthouse of Caroline County, from which they are in general but a few miles distant: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses of this present General-Assembly, and it is hereby enacted by the authority of the same, that from and after the tenth day of February next the said county shall be divided by a line to be run from Morocosick Creek at the mouth of Beverley Run, thence up the said run and the South Fork which Beverley's mill stands on to the head thereof, and from thence by a straight line to be run east to the line between*

Part of King  
and Queen  
county ad-  
ded to Caro-  
line.

the said county and the county of Essex; and that all that part of the said county which lies above the said bounds shall be united to, and made part of, the said county of Caroline.

II. *Provided always*, That nothing in this act contained shall be construed to hinder the sheriff or collector of the said county of King and Queen, as the same now stands intire and undivided, from collecting and making distress for any publick dues or officers fees which shall remain unpaid by the inhabitants of that part of the said county hereby added to the county of Caroline, at the time the said division shall take place; but such sheriff or collector shall have the same power to collect or distrain for the said dues and fees, and shall be answerable for them in the same manner, as if this act had never been made, any law, usage or custom, to the contrary thereof, in any wise notwithstanding.

III. *And be it further enacted, by the authority aforesaid*, That the court of the said county of King and Queen shall have jurisdiction of all actions and suits, both in law, and equity, which shall be depending before them at the time the said division shall take place; and shall and may try and determine all such actions and suits, and issue process, and award execution against the body or estate of the defendant or defendants, in any such action or suit, in the same manner as if this act had never been made.

Court day of  
King and  
Queen altered.

IV. And whereas the court-day of the said county of King and Queen, as the same now stands appointed, is inconvenient, as well to the inhabitants of that as of the neighbouring counties, and others whose business requires their attendance there: *Be it further enacted by the authority aforesaid*, that from and after the said tenth day of February the court of the said county of King and Queen shall be constantly held on the second Monday in every month, any law, usage or custom, to the contrary thereof, notwithstanding.



## CHAP. XXXVI.

*An Act for altering the Court-Days of the Counties of Prince-Edward and Lunenburg.*

Court days  
of Prince  
Edward and  
Lunenburg  
altered.

WHEREAS it is represented to this present general-assembly that the court-days of the counties of Prince Edward and Lunenburg, as the same now stand, are very inconvenient as well to the inhabitants of the said counties as to the attornies practising there, as the court days of the said counties interfere with those of the neighbouring counties: *Be it therefore enacted by the Lieutenant Governour, Council and Burgesses of this present General-Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of February next the court of the said county of Prince-Edward shall be constantly held on the third Monday in every month, and for the said county of Lunenburg on the second Thursday in every month; any law, usage or custom, to the contrary thereof, in any wise, notwithstanding.*

## CHAP. XXXVII:

*An Act for building a bridge over the North Branch of James River, in the County of Albemarle.*

Bridge over  
north branch  
of James Ri-  
ver in Albe-  
marle, to be  
erected.

I. WHEREAS it is represented to this present general-assembly, by the inhabitants of the county of Albemarle, that the great freshes which frequently happen in the North Branch of James River, in that county, often render the same impassable, either at the fording-places therein or ferries, and that it would be a great ease and convenience as well to themselves as others travelling through the said county if a bridge was built over the said river, at the most convenient place to the courthouse.

II. *Be it therefore enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for any person or persons whatsoever, who shall be willing to undertake the same, and to and for his or their heirs or assigns, to erect, support and maintain, a good and sufficient bridge over the said branch, at any place that shall be directed by the court of the said county of Albemarle, convenient to the courthouse of the said county, at his or their own expense; and as soon as the same shall be completely finished, fit for travellers to pass over in carriages, it shall and may be lawful to and for the person or persons building the same, and his or their heirs or assigns, to demand, take and receive, of and from all persons passing over the said bridge with horses, wheel-carriages, hogsheads of tobacco, and cattle, the following rates, to wit: for a man and horse, sixpence; for every wheel-carriage, threepence a wheel; for every hogshead of tobacco, sixpence; for every horse, threepence; for every head of neat cattle, twopence; and for every head of sheep or hogs, one halfpenny; and that no person shall have liberty to pass over the said bridge with wheel-carriages, hogsheads of tobacco, horses or cattle, until they shall first pay and satisfy the toll aforesaid.*

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#### CHAP. XXXVIII.

*An act for building a Bridge over Nottoway River, from the Land of Jesse Brown, by Subscription.*

I. WHEREAS it is represented to this present general-assembly, by sundry inhabitants of the counties of Nansemond, Southampton and Isle of Wight, that it would be a great ease and convenience as well to themselves as to the persons trading from the province of North-Carolina to this colony if a bridge were erected from the land of Jesse Brown, of the

Bridge over Nottoway river in Southampton to be erected.



county of Southampton, gentleman over Nottoway River; and that such a bridge might be built by subscription, if proper persons were appointed, and legally authorized and empowered, to carry the same into execution: *Be it therefore enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That* Albridgton Jones, Thomas Williamson, Richard Kello, Samuel Brown, Nicholas Maggot, Thomas Fisher, James Jordan Scott and Daniel Williams, gentlemen, shall be, and they are hereby nominated, constituted and appointed, trustees and directors for putting the same in execution; and it shall and may be lawful to and for the said trustees, or the major part of them, to take and receive, of and from all and every person and persons whatsoever all such sums of money as they or any of them shall be willing to subscribe and pay towards the building the said bridge; on receipt whereof the said trustees and directors shall, and they are hereby empowered and required to lay out and apply the same in and towards building a bridge over the said river, from the land of the said Jesse Brown to the opposite shore, in such manner as the said trustees and directors, or the major part of them, shall think proper and most convenient; and to design, direct, and agree with workmen for building the said bridge, so that the same be not less than twelve feet in breadth; and railed on each side three feet high, with one arch, at least twenty feet wide, sufficiently high for the passage of boats and flats.

II. And for continuing the succession of the said trustees and directors, *Be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said trustees and directors, or the major part of them, from time to time, and at all times hereafter, during the continuance of the said bridge, upon the death, resignation or removal, of any of the trustees and directors herein before named, to elect and choose such and so many other person and persons as they shall think fit, not exceeding eight; which person and persons, so elected and chosen as aforesaid, shall be deemed and taken to be trustees for the bridge aforesaid, as fully and amply as if appointed by this act.*

III. *Provided always, that nothing in this act contained shall extend, or be construed to extend, to em-*

power the justices of the said county of Southampton, or their successours, the justices of the said county for the time being, to tax, levy or assess, any money or tobacco on the inhabitants of the said county of Southampton for the building the said bridge; but that the same shall be built by subscription as aforesaid, and by no other ways or means whatsoever.

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CHAP. XXXIX.

*An Act to oblige the justices of the County of Albemarle to refund to the Counties of Amherst and Buckingham their just proportion of the money paid for Weights and Measures before the division of the said County of Albemarle.*

I. WHEREAS before the late division of the county of Albemarle into three distinct counties, by the names of Albemarle, Amherst and Buckingham, the court of the said county of Albemarle had purchased a complete set of weights and measures, of the standard of England, for the publick use of the said county, and had levied the value thereof on the inhabitants, and it is reasonable that the inhabitants of the said two new counties should be repaid their proportionable part of the same.

Justices of Albemarle to refund to Amherst and Buckingham their proportion for weights and measures before the division.

II. *Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same.* That the court of the said county of Albemarle shall, within the space of twelve months from and after the passing of this act, levy on the inhabitants of their county, and pay to the respective courts of the said counties of Amherst and Buckingham, their due share and proportion of the money laid out in the purchase of the said weights and measures, according to the number of tithables in each county; which shall be applied by the courts of the said counties of Amherst and Buckingham, either to the purchase of



weights and measures for the use of their respective counties, or in such other manner, for the benefit of their said counties, as they shall think proper.

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CHAP. XL.

*An Act to empower Carter Henry Harrison, Gentleman, to build a mill on Willis's Creek, in the County of Cumberland.*

Carter Henry Harrison, authorised to build a mill over Willis's creek, in county of Cumberland.

I. WHEREAS it is represented to this present general assembly that many of the inhabitants of the counties of Cumberland and Buckingham are frequently in great distress from the scarcity of water grist-mills, of which they have but few, and those very indifferent, in their neighbourhood; and that Carter Henry Harrison, gentleman, is seized and possessed of lands on both sides of Willis's creek, in the said county of Cumberland, where there is a commodious situation for a mill, which he would willingly build, but is doubtful that he should thereby incur the penalties of the act of assembly for clearing rivers and creeks: *Be it enacted by the Lieutenant-Governour, Council and Burgesses of this present General-Assembly and it is hereby enacted by the authority of the same,* that from and after the passing of this act it shall and may be lawful for the said Carter Henry Harrison, and the proprietor of the said land for the time being, to build and erect a mill on the said creek, and raise a dam across the same, under the directions and regulations herein after-mentioned, that is to say; that he the said Carter Henry Harrison, or the proprietor of the said land, for the time being, shall, at the time of raising the said dam, build and place a lock therein, sufficient for the passage of boats and canoes, and shall also make an opening or slope in the said dam for the passage of fish, which lock and slope shall be of such dimensions, and built in such manner and form, and shall also be placed in such parts of the said dam, as shall be ordered and directed by the persons to be for that purpose nominated and appointed

by the court of the said county of Cumberland, who are hereby authorized and required to nominate and appoint such and so many proper and skilful persons to view the said dam, and give such orders and directions for placing a lock and a slope therein, as aforesaid, as they shall think fit.

II. *And be it further enacted, by the authority aforesaid,* That if the said Carter Henry Harrison, or the proprietor of the said lands, for the time being, shall neglect or refuse to build and place such lock in his said dam, according to the directions he shall receive for that purpose, in manner aforesaid, it shall and may be lawful for the court of the said county of Cumberland to order the said mill and mill-dam to be pulled down and destroyed, and to levy the expenses thereof on the said Carter Henry Harrison, or the proprietor for the time being.

III. *And be it further enacted,* That the opening or slope in the said mill-dam, for the passage of fish, shall be kept open from the first day of February to the last day of May in every year; and if the said Carter Henry Harrison, or the proprietor for the time being, shall fail or refuse to make such opening or slope in his said dam, he shall forfeit and pay four pounds for every month he shall so neglect or refuse, after the said dam shall be finished, in such a manner as to hold a sufficient head of water for working the said mill; and if he shall neglect or refuse to keep the same open for the time aforesaid, he shall forfeit and pay four pounds for every week of the said time he shall so neglect or refuse; one moiety of which fines shall be to our sovereign lord the king, his heirs and successours, for the use of the said county of Cumberland; and shall be by the court of the said county laid out and applied towards lessening their levy by the poll; and the other moiety to the informer, and shall and may be recovered with costs, by action of debt or information, in the said court.

IV. *Provided always,* That nothing in this act contained shall be construed, deemed or taken, to indemnify the said Carter Henry Harrison, or the proprietor of the said mill for the time being, from the action or suit of any person or persons whatsoever who shall sustain any damages by means of their lands being overflowed by the waters of the said dam; but that it shall and may be lawful for such person or



persons to prosecute and maintain any such action or suit, and proceed therein, in the same manner as if this act had never been made.

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CHAP. XLI.

*An Act to dock the entail of certain lands whereof Ralph Wormeley, Esquire, is seized, and for settling other lands of greater value to the same uses.*

Entail of certain lands whereof Ralph Wormeley, is seized, docked.

I. WHEREAS John Wormeley, late of the county of Middlesex, esquire, was in his lifetime seized of a very valuable estate in lands, lying in the counties of Middlesex and King-William, and was also seized of a tract of land, containing four hundred and fifty acres, lying and being in the parish of Petsworth, in the county of Gloucester, adjoining the lands of Thomas Green and Robert Porteus, and of a small tract containing three hundred acres, lying in the parish of Christ Church, in the said county of Middlesex, adjoining the town of Urbanna and the lands of Mr. Christopher Robinson, and is not contiguous to the other lands of the said John Wormeley in that county; and being so seized, he the said John Wormeley made his last will and testament in writing, bearing date the fifteenth day of April, one thousand seven hundred and twenty five, and therein did devise all his real estate to his son Ralph Wormeley, in Taille-Male, charged with the payment of his debts and younger children's fortunes, with several remainders over, as in the said will more fully is contained, but it is doubted whether the said John Wormeley had a fee-simple estate in the said lands, or only an estate taille under the will of his father Ralph Wormeley, Esquire, deceased, bearing date the twenty-second day of February, one thousand seven hundred; and after the death of the said John Wormeley the said Ralph Wormeley the younger entered into the said lands, and is thereof seized as tenant in fee-taille, either under the will of said father or grandfather.

II. And whereas the said Ralph Wormeley is seized in fee-simple of and in five hundred acres of land, purchased by him of John Smith, gentleman, adjoining to the entailed land in the county of Middlesex, and of two hundred acres of land, purchased of William Trine, contiguous to his entailed land in the county of King-William, and it will be greatly to the advantage of the said Ralph Wormeley and his issue if he is allowed to sell and dispose of the said entailed land in the county of Gloucester, and the said three hundred acres of land in the county of Middlesex, which are separate from his other entailed lands, and to settle the said lands purchased of John Smith and William Trine, being of greater value, in lieu thereof; and forasmuch as notice has been published in the several churches of the said parishes of Petsworth and Christ Church, three sundays successively, that application would be made to this present general assembly to dock the entail of the said lands in the county of Gloucester, and the said three hundred acres of land in the county of Middlesex, pursuant to your majesty's instructions: may it therefore please your most excellent majesty, at the humble suit of the said Ralph Wormeley, that it may be enacted, and *Be it enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same*, that the said tract of land containing four hundred and fifty acres in the county of Gloucester, and the said three hundred acres of land in the county of Middlesex, be, and the same are hereby vested in the said Ralph Wormeley, his heirs and assigns, for ever, to his and their own proper use; and that the said five hundred acres of land so purchased of the said John Smith, lying in the county of Middlesex, and the said two hundred acres of land purchased of the said William Trine, lying in the county of King-William, be, and the same are hereby vested in the said Ralph Wormeley, and the heirs male of his body, to remain, pass and descend, to all and every such person or persons, and for such estate or estates, and in such sort, manner and form, as the said four hundred and fifty acres. and three hundred acres of land, would have remained, gone and descended, by virtue of the limitations in the wills of the said Ralph Wormeley the elder and John Wormeley, if this act had never been made.



III. Saving to the king's most excellent majesty, his heirs and successours, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successours, other than the persons claiming under the wills of the said Ralph Wormeley the elder or John Wormeley, all such right, title, interest, claim and demand, as they, every, or any of them, should or might have or claim, if this act had never been made.

IV. *Provided always*, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

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## CHAP. XLII.

*An Act to confirm and establish an agreement made between James Scott the elder, Clerk, and James Scott the younger, his son.*

Agreement  
between  
Scott, the el-  
der, clerk, &  
James Scott,  
the younger,  
for lands in  
Stafford and  
Fauquier  
confirmed.

I. WHEREAS Alexander Scott, clerk, late of the parish of Overwharton, in the county of Stafford, now deceased, was in his lifetime seized and possessed of four hundred acres of land in the said county of Stafford, and also of seven other different tracts, pieces or parcels of land, situate, lying and being, in the counties of Fairfax, and that part of the county of Prince William now called Fauquier county, to wit: one tract on Carter's run, in the said county of Fauquier, containing two thousand eight hundred and twenty-three acres; another of two thousand acres, in the county of Fairfax; another of one thousand acres, upon Wolf Run, in the said county of Fairfax; another of nine hundred and seventy acres, in the county of Fauquier; another of six hundred acres, in the said county of Fauquier; another of four hundred and eighty acres, in the said county of Fauquier; and another of four hundred acres, in the county of Stafford; and being also possessed of about thirty slaves, by his last will and testament, in writing, duly made

and published, bearing date the nineteenth day of January, one thousand seven hundred and thirty-seven, did, amongst other things, give, devise and bequeath, the said lands and slaves, by and under the description of all the rest of his lands, tenements and houses, and all his rights, titles and interest, in and to all lands, tenements and houses, in Scotland, Virginia, or elsewhere, with all his slaves, and their increase, not therein before given and devised, to his dear and loving brother James Scott, and the heirs of his body lawfully begotten, with divers remainders over, in default of such heirs, as in and by the said will; now remaining of record in the said court of Stafford, is particularly set forth and declared; and after the death of the said Alexander Scott, the testator, which happened some time in the year of our lord one thousand seven hundred and thirty-seven, the said James his brother and devisee, named in his said will, entered into the said several tracts of land, and became seized thereof, and also possessed of the said slaves in fee-taille.

II. And whereas the said James Scott, clerk, since the death of his brother the said Alexander Scott, in order to make a provision for his younger children, being seven in number, besides his eldest son James Scott; his heir apparent, hath sued out of the secretary's-office of this colony three several writs, in the nature of an *ad quod damnum*, to dock the entail of three of the above-mentioned tracts of land, and would proceed in like manner to dock the entail of the several other tracts of land aforesaid, which would greatly prejudice his heir in taille, but cannot dispose of the same for their full value, and would therefore be under the necessity of retaining the possession of all the said lands and slaves during his life, in order to raise a provision for his said younger children, by which means his said eldest son, who is now married, would have no provision for, or be able to maintain, his wife and family, during his said father's life.

III. And whereas the said James Scott the elder is also seized in fee-simple of and in a tract of land in the parish of Dettingen, in the said county of Prince-William, containing two thousand acres, which he purchased of Samuel Jackson, Abraham Farrow and William Ashmore, whereon he hath lately built and erected a large brick dwellinghouse, and all conve-



nient and necessary outhouses, and made several other considerable improvements thereon, which hath rendered the said tract at least as valuable as all the other lands of which he is seized in taille as aforesaid, under the will of his said brother.

IV. And whereas the said James Scott the elder, in order as well to make an immediate provision for the said James Scott his eldest son, and his family, as to enable him to raise and make a provision for his said younger children, hath entered into an agreement with the said James his son to put him into immediate possession of the said two thousand eight hundred and twenty-three acres of land in the county of Fauquier, together with seventeen slaves herein after-named, to descend, pass, and go therewith, in fee-taille, under the will of the said Alexander Scott, deceased; and also to settle the said lands in the county of Prince-William, so purchased by him of the said Samuel Jackson, Abraham Farrow and William Ashmore, on his said son James, together with the improvements, hereditaments and appurtenances, thereunto belonging, and the heirs of his body; together with sixteen slaves, herein after also named, to descend, pass, and go therewith, as the said entailed lands would descend and go, under the will of the said Alexander Scott; in lieu whereof the said James Scott the son hath consented and agreed that the said James Scott the elder, his father, shall stand seized in fee-simple of and in the said two thousand acres of land in the county of Fairfax, and also of six several other tracts of land first above-mentioned, which are of less value than the said two tracts of lands and slaves so proposed to be put into the possession of, and settled on, the said James Scott the son; and they have made their humble application to this present general-assembly for an act to confirm and establish their said agreement.

V. And forasmuch as notice hath been published, three Sundays successively, in the several churches of the parishes of Truro, Overwharton and Hamilton, that application would be made to this present general-assembly for an act to dock the entail of the said seven tracts of land in the counties of Fairfax, Fauquier and Stafford, pursuant to your majesty's royal instructions: may it therefore please your most excellent majesty, at the humble suit of the said James Scott the elder and James Scott the younger, that it may be

enacted, *And be it enacted by the Lieutenant Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted, by the authority of the same,* That from and after the passing this act the said James Scott the elder shall stand seized in fee-simple of and in the said several tracts of land of four hundred acres in the county of Stafford, the said two thousand acres in the said county of Fairfax, the said one thousand acres on Wolf Run in the said county of Fairfax, the said nine hundred and seventy acres in the said county of Fauquier, the said six hundred acres in the said county of Fauquier, the said four hundred and eighty acres in the said county of Fauquier, and of the said four hundred acres in the said county of Stafford, any thing in the said will of the said Alexander Scott, or any statute, law, usage or custom, to the contrary thereof, in any wise, notwithstanding; and that the said James Scott the son shall stand and remain seized of the said tract of two thousand eight hundred and twenty-three acres of land, with the appurtenances, on Carter's run, in the said county of Fauquier, under the will of the said Alexander Scott, in fee-taille: and that seventeen male and female slaves, named and called Judie, Moll, great Jamie, little Jamie, old Tom, Elgin, Dipple, Roger, Maria, Charlotte, yellow Betty, Tony, Abraham, little Moses, black Bett, little Jenny and Winney, shall be, and they are hereby annexed to the said two thousand eight hundred and twenty-three acres of land; and together with the future increase of the said females, shall descend, pass and go, in possession, remainder and reversion, in the same manner, and to the same person and persons, as the said lands shall descend, go, remain and revert.— And also that the said two thousand acres of land in the said county of Prince-William, so purchased by the said James Scott the elder of the said Samuel Jackson, Abraham Farrow and William Ashmore, together with the improvements and other appurtenances thereon and thereunto belonging, shall be, and are hereby vested in the said James Scott the younger, and the heirs of his body; and, together with sixteen male and female slaves, named and called Davie, Frank, Will, Bob, great Sawny, little Sawny, Samson, Peg, Bee Eye, little Frank, Dick, Moses, yellow Jenny, Joan and Hannah, which are hereby annexed to the last mentioned tract of land, shall descend, pass



and go, in possession, remainder and reversion, in the same manner, and to the same person and persons, as the other entailed lands shall descend and go under the will of the said Alexander Scott, deceased.

VI. Saving always to the king's most excellent majesty, his heirs and successours, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successours, other than the said James Scott the son, and all and every other person and persons claiming under the will of the said Alexander Scott, all such right, title and interest, as they, every, or any of them, could or might claim, if this act had never been made.

VII. *Provided always*, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

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### CHAP. XLIII.

*An Act to dock the entail of certain lands whereof Henry Scarburgh is seized in fee-taille, and for other purposes therein mentioned.*

Entail of certain lands whereof Henry Scarburgh is seized, docked.

I. WHEREAS it hath been represented to this present general assembly by Henry Scarburgh that he is seized in taille of a tract of land, containing three thousand and fifty acres, lying and being on Pungoteague Creek, in the county of Accomack, but hath no slaves to cultivate the same, and that it will be greatly to the advantage of himself and his posterity, and those claiming in remainder or reversion, to dispose of part of the said tract of land, to descend and pass therewith in the same manner as the said tract of land would pass if this act had never been made; and whereas notice hath been published three Sundays successively, in the church of the parish where the said land lies; that application would be made to this present-general assembly for an act to dock the entail of a moiety of the said tract of land,

and to vest the same in trustees, to be sold for the purposes aforesaid, pursuant to your majesty's instructions: may it therefore please your most excellent majesty, at the humble suit of the said Henry Scarborough, that it may be enacted, and *Be it enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That one thousand five hundred and twenty-five acres, being a moiety of the said tract of three thousand and fifty acres, to be laid off on that side of the tract which lieth on the head of the said creek, be, and the same are hereby vested in John Smith, George Parker, James Henry, Thomas Parramore, James Rule and James Arbuckle, gentlemen, and the survivors or survivor of them, in trust; to be sold and disposed of by them, for the best price that may be got for the same, as soon as can be conveniently done; and the said survivors or survivor of them, shall, by good and sufficient deeds of conveyance in the law, convey the said one thousand five hundred and twenty-five acres of land to the purchaser or purchasers, and his, her, or their heirs, for ever.

II. *And be it further enacted, by the authority aforesaid,* that the said trustees or the greater part of them, or their survivors, shall fairly lay out the money arising from the sale of the said land, in slaves, to be annexed to the remaining moiety of the said three thousand and fifty acres; and they are hereby empowered and required to cause a deed or deeds to be executed to the said Henry Scarborough for the said slaves so to be purchased, which said deeds shall recite the title and this act, and shall be acknowledged, or proved and recorded, in the manner prescribed by law for slaves to pass by deed of gift: and the said Henry Scarborough, from, and immediately after the executing of such deed or deeds, shall be possessed of such slaves, and their future increase, as annexed to the remaining moiety of his said land, to descend and pass through the same courses of descent with the said land itself.

III. *And be it further enacted,* that the said trustees shall cause the names of the said slaves to be recorded in the court of the said county of Accomack.



IV. Saving to the king's most excellent majesty, his heirs and successours, and every person and persons, bodies politick and corporate, their respective heirs and successours, other than the persons claiming under the entail of the said lands, or in remainder or reversion, all such right, title, estate, interest, claim and demand, as they, every, or any of them, should or might claim, if this act had never been made.

V. *Provided always*, that the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

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#### CHAP. XLIV.

*An Act to vest certain lands therein-mentioned in James Hubbard, and settling other lands and slaves of greater value in lieu thereof.*

Certain lands  
in King  
George and  
Northum-  
berland vest-  
ed in James  
Hubbard.

I. WHEREAS William Colston, late of the county of Richmond, was in his lifetime, and at the time of his death, seized in fee-simple of and in two several tracts of land, one situate in the county of Northumberland, the other in King-George, known by the name of the muddy creek tract; and being so seized, by his last will and testament, in writing, bearing date the twenty-seventh day of October, one thousand seven hundred and one, did give unto his son William Colston the aforesaid two tracts of land (by the description of all the rest of his lands belonging unto him, wheresoever situated and lying) unto him, and the heirs of his body lawfully begotten, with a remainder over unto his son Charles: and whereas the said William Colston, the son, having entered into the said two tracts of land devised to him, and being seized thereof in fee-taille, departed this life in the year one thousand seven hundred and twenty-one, leaving issue two daughters, Mary and Frances, the first of which intermarried with John Smith, gentleman, of the said county of Richmond, and the other with Joseph

Morton, late of the county of James-City, who in the year one thousand seven hundred and thirty-eight, with the consent of their wives, made division of the said two tracts of land so devised by the will of the said William Colston, the elder, that in the county of Northumberland to be the part of the said John Smith and Mary his wife, the other in the county of King George, containing, as appears by the will of William-Colston the son, eight hundred and forty-eight acres, be the same more or less, to be the part of the said Joseph Morton and Frances his wife, who left issue an only child, named Frances, the wife of James Hubard.

II. And whereas the said James Hubard is seized in fee-simple of and in several half-acres, or lots of land, to the number of six, with valuable buildings thereon, situate and being in the city of Williamsburg, which were purchased by him of Richard Bland and Robert Beverly, esquires, and conveyed by deeds recorded in the general-court, and it will be greatly to the advantage of the said James Hubard and Frances his wife, and all those claiming in remainder or reversion, to vest the said tract of land in the county of King George in the said James Hubard in fee-simple, and to settle the several half-acres, or lots of land, with the buildings thereon, with the slaves hereafter-mentioned, to the same uses, to which the said Frances Hubard consents.

III. And forasmuch as notice has been published three Sundays successively, in the parish church of Brunswick, in the said county of King-George, that application would be made to this present general-assembly to vest the said lands in the County of King-George in the said James Hubard in fee-simple, and to settle other lands, with certain slaves thereto annexed, of greater value, in lieu thereof, to the same uses, pursuant to your majesty's instructions: may it therefore please your most excellent majesty, at the humble suit of the said James Hubard, and Frances his wife, that it may be enacted, and *Be it enacted by the Lieutenant Governour, Council and Bur-gesses, of this present General-Assembly, and it is hereby enacted by the authority of the same, That the said tract of land in King-George be, and the same is hereby vested in the said James Hubard, his heirs and assigns, to his and their own proper use and behoof,*



for ever; and that the said several lots, or half-acres of land, in the city of Williamsburg, whereof the said James Hubbard is seized, together with the negro slaves herein after named, to wit, Belinda, Dol, Nanny and Esther, four women; Sarah and Moll, two girls; David and Pompey, two men; Charles and Dick, two boys; shall pass and descend as the said lands in the county of King-George would have done under the will of the said William Colston the elder.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politick and corporate, other than the persons claiming under the will of the said William Colston, all such right, title, interest estate, claim and demand, as they, every, or any of them, could or might claim, if this act had never been made.

V. *Provided always*, That it shall not be in the power of the said James Hubbard, or any person whatever, to cut off the entail of the said six lots, or half-acres of land, or any part thereof, by a writ of *ad quod damnum*; but that they shall pass and descend, in the same manner as the lands vested in him by this act would have done.

VI. *Provided always*, that the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

ANNO REGNI

# GEORGI III,

Regis Magnæ Britanniae, Franciae, et  
Hiberniae, tertio.

*At a General Assembly, begun and held at the Capitol, in the City of Williamsburg, on Tuesday the 26th of May in the first year of the reign of our sovereign lord George III. by the grace of God of Great-Britain, France and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1761, and from thence continued by several prorogations to Thursday the 19th of May 1763, in the third year of his majesty's reign; and then held at the Capitol, in the City of Williamsburg; being the fifth session of this General-Assembly.*

*Francis Fauquier, Esq.  
Governour*

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## CHAP. I.

*An Act for continuing and appropriating the additional duty upon slaves, and the taxes upon wheel-carriages, ordinary licenses, and original process, and for other purposes therein-mentioned.*

I. WHEREAS by an act of general-assembly, passed in the twenty-seventh year of the reign of his late majesty, of happy and glorious memory, enti-  
Preamble.



tled, An act for the encouragement and protection of the settlers upon the waters of the Mississippi, the treasurer of this colony was empowered to borrow a sum of money, not exceeding ten thousand pounds, for the purposes mentioned in the said act; and an additional duty of five per centum on the amount of the sale of all slaves imported, and a tax on wheel carriages, ordinary licenses, and original process, was laid and imposed, to continue for three years, which, and the revenue arising from former duties on liquors and slaves, was declared to be and remain as a security for the payment of the money so to be borrowed, with an interest of six per centum per annum, until the same was paid; and by several subsequent acts the said additional duty and taxes were continued until the fourteenth day of February, one thousand seven hundred and sixty-five.

II. And whereas, by another act, passed in the thirty-fourth year of the reign of his said late majesty, entitled, An act for appointing persons to receive the money granted, or to be granted, by the parliament of Great Britain to his majesty for the use of this colony, the said treasurer was empowered and required, out of the money that should come to his hands from bills of exchange drawn as thereby directed, to pay off and discharge all publick debts bearing interest, pursuant to which direction the said ten thousand pounds so borrowed, and all interest due thereon, hath been fully paid and discharged, since which the duties and taxes imposed by the first-mentioned act have been applied towards the sinking the treasury-notes, although no law hath hitherto directed such application; and as the said taxes have not been found inconvenient, the continuing them to the period at which the other publick taxes are to cease, and applying them towards securing the final redemption of the treasury-notes, to supply any possible deficiency in such other taxes, may tend to preserve the credit of our paper money.

III. *Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same, that so much of the said act, entitled, an act for the encouragement and protection of the settlers upon the waters of the Mississippi, and of the subsequent acts for continuing and amending the same, as*

relates to the imposing, collecting, and accounting for the said additional duty on slaves and the taxes on wheel-carriages, ordinary licenses, and original process, shall continue and be in force from and after the said fourteenth day of February, one thousand seven hundred and sixty-five, for and during the space of five years and no longer.

IV. *Provided always*, That the owners of such wheel-carriages shall be obliged, during that term, to give in a list of the same annually to the justice appointed to take the list of tithables, in like manner, and under the same penalty, as is directed in and by an act passed at the last session of this assembly, entitled, an act for the better and more regular collecting the publick taxes.

Owners of wheel carriages to give in a list annually.

V. *And be it further enacted*, That the money to be raised by the duties and taxes imposed by this and the first recited act shall stand, be, and remain, as an additional security for the redemption of the several treasury-notes now in circulation; and John Robinson, Esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to act of assembly, is hereby required to apply all such money as shall come to his hands for the said duties and taxes for and towards the redemption of the said treasury-notes, and to no other use whatsoever, any thing in the said former acts to the contrary notwithstanding.

Duties and taxes how to be applied.

VI. And whereas an opinion has prevailed, from a misconstruction of the said act, for the better and more regular collecting the publick taxes, that the said tax on wheel-carriages is not to be collected for the present year, as the time appointed for taking the lists of tithables is too late to admit of such collection: *Be it therefore further enacted, by the authority aforesaid*, that the said tax upon wheel-carriages, for this present year, shall be collected, levied, and accounted for, according to the directions and regulations in the said act, for the encouragement and protection of the settlers upon the waters of the Mississippi, any thing in the other act to the contrary, or seeming to the contrary, notwithstanding.

Taxes on wheel-carriages to be collected for the present year.

VII. And whereas, by an act passed in the twenty-second year of the reign of his said late majesty, entitled, an act declaring the law concerning executions, and for relief of insolvent debtors, it is among other things, enacted that where any execution is served on

Sheriffs exempted the privilege of replevying.



the debtor's estate, and such debtor shall within five, days, or at the time of sale, tender sufficient sureties approved of by the creditor, to be bound with him to pay the debt and costs, with lawful interest for the same, to such creditor, within three months, the sheriff or officer shall restore the estate so taken; and it is not reasonable to extend the said indulgence to sheriffs, whose estates are taken in execution for money by them received for his majesty's quitrents, or the publick taxes: *Be it therefore further enacted*, that the said indulgence shall not be construed to extend to any sheriff, or his securities, whose estates shall be taken in execution upon a judgment obtained for his majesty's quitrents, or the publick taxes, nor to any under-sheriff, or his securities, whose estates shall in like manner be taken in execution upon a judgment for such quitrents and taxes collected by such under-sheriff; but that the officer taking such estate in execution shall proceed immediately to sale thereof, notwithstanding such security shall be tendered, in the same manner as if the before-recited clause in the said act had never been made: and, for the better direction of such officer, the clerk issuing such execution shall endorse thereon that no security is to be taken.

The clerk to endorse on executions that no security is to be taken.

Remedy how the courts are to proceed when sheriffs' bonds are lost.

VIII. And whereas it is represented to this assembly that the bonds entered into by some of the sheriffs in this colony have been lost, or mislaid in the clerk's office, for want of which judgments cannot be obtained against them, or their security, for the money they are indebted for the said quitrents and taxes: for remedy wherein, *be it further enacted, by the authority aforesaid*, that notwithstanding such bonds shall be so lost, or mislaid, if it shall appear upon the records of the court before whom such bonds were respectively entered into that the same were executed by such sheriff and securities, it shall be lawful for the general-court, or county-court, upon the motion of the receiver-general, or treasurer, and due notice given, to enter judgment against such sheriff and securities, for the quitrents or taxes for which such sheriff is accountable, in the same manner as if such bond was produced.

## CHAP. II.

*An Act to repeal an act, entitled, an act for the relief of insolvent debtors, for the effectual discovery and more equal distribution of their estates.*

WHEREAS an act, passed at the last session of this general-assembly, entitled, an act for the relief of insolvent debtors, for the effectual discovery and more equal distribution of their estates, has been thought injurious to the credit of this colony, and may be of evil consequence to the trade thereof, if the same was allowed to commence and be in force: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited act, and every clause thereof, be, and the same is hereby repealed, and made void, to all intents and purposes whatsoever.*

## CHAP. III.

*An Act for establishing a better method of appointing Sheriffs.*

I. WHEREAS by an act of assembly, passed in the thirty-second year of the reign of his late majesty king George the second, entitled, an act prescribing the method of appointing sheriffs, and for limiting the time of their continuance in office, and directing their duty therein, it is, among other things, enacted that the governour or commander in chief may, if he think fit, continue any sheriff in his office two years next succeeding each other, and such person may accept and execute the same two years successively, and no longer.



Sheriffs not  
to be remov-  
ed before  
the collec-  
tion of the  
taxes of the  
year shall be  
completed.

II. And whereas it is found inconvenient to remove sheriffs from their office before they have completed the collection of his majesty's quitrents and the publick taxes of the year, and on that account the general appointment of sheriffs in the month of October will be of publick advantage, but that regulation must be interrupted where the death or misconduct of any sheriff makes the commissionating of another at a different time necessary, which will fix all future appointments in such county to the same time, as under the aforesaid act the governour is restrained from continuing the sheriff longer than two years.

Governour  
may con-  
tinue sheriffs

III. For remedy wherein, *Be it enacted by the Lieutenant-Governour Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* that the governour or commander in chief may, if he thinks fit, continue the present sheriffs in office until the twenty-fifth day of October next after their two years continuance therein shall expire; & that when by the death, or removal from office, of any sheriff, another shall be appointed at any other time than in the month of October, the governour or commander in chief may, if he thinks fit, continue such successour in office until the twenty-fifth day of October next after his two years continuance therein shall expire, any thing in the said recited act, or any other act, to the contrary notwithstanding.

## CHAP. IV.

*An Act for further continuing and amending the act, entitled, an act for the better regulating and collecting certain officers fees, and for other purposes therein-mentioned.*

I. WHEREAS the act of assembly made in the nineteenth year of the reign of his late majesty king George the second, entitled, an act for the better regulating and collecting certain officers fees, and for other purposes therein-mentioned, which hath been continued by several acts, and amended by one other act made in the first year of his present majesty's reign, will expire on the twelfth day of April next, and it being necessary that the same should be further continued:

Act for regulating and collecting officers fees further continued.

II. *Be it therefore enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited acts of assembly, made in the nineteenth year of his said late majesty's reign, and in the first year of the reign of his present majesty, and every clause and article thereof, shall continue and be in force from and after the said twelfth day of April next, for and during the term of two years, and no longer.*

III. *Provided always, and be it further enacted, by the authority aforesaid, That from and after the passing of this act all and every surveyor of lands shall be resident in the county whereof he is surveyor during the time he shall continue in office, under the penalty of forfeiting ten pounds current money for every month he shall reside out of the same; one moiety of which shall be to the king, his heirs and successours, for the better support of this government, and the contingent charges thereof; and the other moiety to the informer.*

Surveyor of lands to be resident in the county whereof he is surveyor.



## CHAP. V.

*An Act to reduce the duty on Northern Rum.*

Duty on northern rum reduced.

I. WHEREAS by an act of assembly, made in the twenty-eighth year of the reign of his late majesty king George the second, of happy and glorious memory, entitled, an act for laying an additional duty on rum, and other distilled spirits, not being the produce of his majesty's sugar islands, an additional duty of four pence per gallon was laid on all liquors imported into this colony by land or water from any port or place whatsoever, except from Great-Britain, or some of his majesty's sugar colonies, which was continued by two other acts, made in the thirtieth and thirty-second years of his said late majesty's reign, until the first day of August, one thousand seven hundred and sixty-six.

II. And whereas it will be advantageous, and for the benefit of the trade of this colony, to take off the said additional duty: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the said additional duty be discontinued, any thing in the said recited acts to the contrary notwithstanding.*

## CHAP. VI.

*An Act for adding sundry persons to the Committee appointed to correspond with the agent of this colony.*

Committee to correspond with agent enlarged.

I. WHEREAS by an act of assembly, made in the thirty-second year of the reign of his late majesty king George the second, entitled, an act appointing an agent, it is, among other things, enacted and declared that the honourable William Nelson, Thomas

Nelson, Philip Grymes and Peter Randolph, esquires, John Robinson, Peyton Randolph, Charles Carter, Richard Bland, Landon Carter, Benjamin Waller, George Wythe and Robert Carter Nicholas, esquires, shall be a committee of correspondence to transmit such matters and things to the said agent as shall be committed to their charge by the general-assembly, and to receive from him information and intelligence of his proceedings; as well in such cases as shall be to him instructed by the said committee, or the major part of them, as in every other matter and thing that shall come to his knowledge that may either affect or be for the interest of this colony.

II. And whereas, by reason of the death of one of the said committee, and of the remote distance of several others of them, it is often difficult and inconvenient for the said committee to meet for the purposes in the said act mentioned: *Be it therefore enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That from and after the passing of this act the honourable John Blair and Robert Carter, esquires, Lewis Burwell and Dudley Digges, esquires, be added to, and are hereby declared to be part of, the said committee of correspondence; and that the said John Blair, Robert Carter, Lewis Burwell and Dudley Digges, shall have, and be vested with, the same power and authority, and be liable for any misdemeanor to the censure of the general-assembly, in the same manner as the said committee are by the said recited act of assembly.



## CHAP. VII.

*An Act for giving the Sheriffs a more effectual remedy against their under-sheriffs, and securities, for monies received by them for his Majesty's Quitrents, and on executions and other process.*

Summary remedy given high sheriffs against their deputies and securities.

I. WHEREAS great frauds are frequently committed by the under sheriffs, receiving the money and tobacco in levying of executions, and converting the same to their own use, instead of paying it to the creditor; to the great detriment of the just creditor, and often total ruin of the sheriff who employed them: To prevent the like inconveniences for the future, *Be it enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act if any under-sheriff employed by the sheriff of any county to act as his deputy heretofore hath, or hereafter shall make return upon any writ of fieri facias, or venditioni exponas, that he hath levied the debt, damages and costs, as in such writ is required, or any part thereof; and shall not immediately pay the same to the party to whom the same is payable, or to his attorney or agent, or to such sheriff, or shall return on any writ of capias ad satisfaciendum, or attachment, for not performing a decree in chancery for payment of any sum of money or tobacco that he hath taken the body or bodies of the defendant or defendants, and hath the same ready to satisfy the money and tobacco in such writ mentioned, and shall actually have received such money and tobacco of the defendant or defendants, or have suffered him, her or them, to escape, with the consent of such under sheriffs, and shall not immediately pay such money and tobacco to the party to whom the same is payable, or his attorney or agent, or to the sheriff under whom he acts, that then, or in either of the said cases, it shall and may be lawful for such sheriff, or the creditor at whose suit such writ of fieri facias, venditioni exponas, capias ad satisfaciendum, or attachment, shall issue upon a motion to be made to the next succeeding general-court, or court of the county*

wherein such under-sheriff acts, to demand judgment against such under-sheriff, and his securities, for the money and tobacco mentioned in such writ of execution or attachment, or so much thereof as shall be returned levied on such writ of execution or attachment as aforesaid; and such court is hereby authorized and required to give judgment accordingly, and to award execution thereupon.

II. *Provided always*, such under sheriff, and his securities, have ten days previous notice of such motion.

III. And to prevent disputes between the sheriffs, and his several deputies, which of them may have acted in serving of executions, or other process, *Be it further enacted, by the authority aforesaid*, that when any under sheriff hath served any writ of execution, attachment, or other process whatsoever, he shall endorse on the back of such writ the day of the month he or they shall have served the same, and subscribe his name, as well as that of his principal, to the return of such writ or other process; and every under-sheriff failing herein shall be liable to the same penalty as by law is inflicted on the sheriff for a false return, and to be recovered and appropriated in the same manner.

Deputy sheriff to subscribe his name & that of his principal, on serving process.

IV. *And be it further enacted, by the authority aforesaid*, That where the sheriff of any county heretofore hath, or hereafter shall appoint any person to be his under-sheriff, to collect the quit-rents due to his majesty within his county, and such under-sheriff shall neglect or refuse to account for and pay such quitrents by him collected to the sheriff under whom he acts, or to his majesty's receiver general, at the time by law appointed for paying of the same, it shall and may be lawful for the general-court, or court of the county whereof he is sheriff, upon a motion to them made by such sheriff or receiver-general, to give judgment against such under-sheriff, and his securities, for all the money wherewith he shall be chargeable, and thereupon to award execution.

V. *Provided*, That such under-sheriff and securities have ten days previous notice of such motion.



*An Act for amending the act, entitled, an act for enlarging the towns of Fredericksburg and Winchester, the City of Williamsburg, and town of Dumfries, and for other purposes therein-mentioned.*

Trustees of Fredericksburg to cause streets to be surveyed, & to erect a stone at each corner.

I. WHEREAS it is represented to this present general-assembly that the act made in the thirty-second year of the reign of his late majesty king George the second, entitled, an act for enlarging the towns of Fredericksburg and Winchester, the City of Williamsburg, and the town of Dumfries, for so much thereof as relates to the town of Fredericksburg hath been found defective in many instances, and not to answer the purposes for which it was intended, and it is therefore necessary that the same should be amended: *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same.* That the directors and trustees of the said town of Fredericksburg shall, within six months after the passing of this act, cause the streets of the said town to be surveyed and laid off, according to the plan thereof heretofore made, and shall cause a stone to be erected at the corner of every street, to establish and ascertain the bounds of the said streets; and that it shall and may be lawful for the said directors and trustees to alter any of the said streets, by and with the approbation and consent of the proprietors of the lots adjoining such streets.

Their power to alter streets.

Trustees authorised to convey part of a street of Benjamin Grymes, on which he had erected a house.

II. And whereas the street running between the lots No. 9, 10 and 17, laid off by the executors of Henry Willis, gentleman, deceased, great part of which was afterwards sold by the said executors, and the remaining part of the said street is of no benefit or advantage to the publick, or the inhabitants of the said town, upon which remaining part Benjamin Grymes, gentleman, hath erected and built part of his dwelling-house: *Be it therefore enacted, by the authority aforesaid,* that it shall and may be lawful for the said directors and trustess to sell and convey to the said Benjamin

Grymes the remaining part of the said street laid off by the said executors, upon his paying to the said directors and trustees at the rate of ten shillings for every foot in front between the said dwellinghouse and the said lot No. 17; and the money arising thereby shall by the said trustees, in the first place, be laid out in mending and keeping in repair the other streets laid out by the said executors, and the residue, if any, towards repairing any other of the streets in the said town.

III. And whereas several of the streets in the said town are in such bad order and condition that they cannot be repaired without stone and timber, and there is no fund established for defraying the expense thereof: *Be it further enacted, by the authority aforesaid, That* it shall and may be lawful for the said trustees and directors to assess on the owners and proprietors of the lots, and other inhabitants of the said town, so much money as will be sufficient for that purpose, so that such assessment do not exceed two shillings per poll in each year, for the term of two years; and, upon non payment thereof, it shall and may be lawful to and for the said trustees and directors to levy the same, or cause the same to be levied and collected, by such person or persons as they shall appoint for that purpose, by distress and sale of the delinquent's goods and chattels, wherein the same proceedings shall be had and used as in case of distress and sale for payment of publick taxes: and moreover it shall and may be lawful to and for the said trustees and directors, from time to time, to nominate and appoint some fit person to oversee the streets of the said town, who shall have the same power to order the inhabitants of the said town to send their hands to work thereon, and the said overseer and inhabitant shall be subject and liable to the same fines and penalties for neglecting or refusing to do their duty therein, as are prescribed, directed & appointed, by the several acts of Assembly of this colony for keeping the highways and roads in repair; and the inhabitants of the said town shall be hereafter exempt from attending to repair the other highways and roads in the country.

Provision for  
repairing  
streets.

IV. And whereas the several acts of assembly for preventing wooden chimnies being built in the said town, and for restraining the inhabitants from suffering their hogs and goats to run at large within the limits there-

Penalty for  
building  
wooden  
chimnies and  
suffering



hogs to run  
at large en-  
forced.

of, have hitherto proved ineffectual : *Be it therefore enacted, by the authority aforesaid,* that for every month any such wooden chimney shall remain after the first day of June, one thousand seven hundred and sixty-four the proprietor, or inhabitant of the house to which the same shall belong, shall forfeit and pay the sum of five shillings; and moreover it shall and may be lawful for the said trustees and directors to cause such chimney to be pulled down, and for every hog or goat found running at large within the limits of the said town the owner thereof, being an inhabitant, shall forfeit and pay the sum of one shilling for every month the same shall be so found running at large; which several fines and forfeitures shall and may be levied and assessed by the said trustees and directors in the same manner as the other assessments herein before-mentioned, and shall be by them laid out and disposed of for and towards keeping the streets of the said town in repair: and in case the said trustees and directors shall fail to inflict the penalties imposed by this act on the several persons offending herein, it shall be lawful for the grand juries of the said county of Spotsylvania to present the said offenders; and the court of the said county, upon conviction, shall cause the fines aforesaid to be levied on such offenders for the purposes aforesaid.

Act for al-  
lowing fairs  
in Frede-  
ricksburg,  
revived.

V. And whereas the act for allowing fairs to be held in the said town of Fredericksburg, which proved very advantageous to the trade and commerce of the said town, is expired: *Be it therefore further enacted, by the authority aforesaid,* that the said act, made in the twenty-fifth year of the reign of his late majesty, entitled, an act for continuing the act, entitled, an act for reviving and amending the acts for allowing fairs to be kept in the towns of Fredericksburg and Richmond, as to so much thereof as relates to the said town of Fredericksburg, shall be, and the same is hereby declared to be revived, and shall be and remain in force from and after the passing of this act for and during the term of seven years, and from thence to the end of the next session of assembly.

Certain lots  
Veal, added  
to town of  
Portsmouth.

VI. And whereas, by an act of assembly, made in the twenty fifth year of the reign of his said late majesty king George the second, a town was established in the county of Norfolk, by the name of Portsmouth, which daily increases; and whereas Thomas Veal,

gentleman, proprietor of the land adjoining, hath made humble request to this present general-assembly that a certain quantity of the said adjacent lands may be added to and made part of the said town of Portsmouth, and that the purchasers of the lots laid off, or to be laid off, on the said lands, may enjoy the same privileges and advantages as the freeholders and inhabitants of the said town do at present enjoy: *Be it therefore enacted, by the authority aforesaid*, that so much of the said adjacent lands as are contained within the bounds hereafter described, including the said town of Portsmouth, shall be added to and made part of the said town of Portsmouth, to wit: beginning at a stake, by the mouth of a small creek, opposite to where Daniel Veal now lives, running thence up the said creek, and crossing a small creek south fifty-nine degrees west; fifty-six poles thence south; forty-six degrees west; thirty-seven poles to the south corner of the said Veal's land, thence south, thirty degrees west, one hundred and sixty poles to the head of Rice Branch; thence down the said Rice Branch south, twenty-two degrees east, forty-four poles to the head of a cove issuing out of Crab Creek; thence along the meanders of the said Cove to the said Crab Creek; thence along the said Crab Creek, according to the meanders thereof, to the southward branch of Elizabeth River; thence bounding on the said branch, and the said river, to the beginning.

VII. *And be it further enacted, by the authority aforesaid*, That the purchasers of lands within the bounds aforesaid, hereby added to and made part of the said town of Portsmouth, as soon as the same shall be laid off into lots, and built on as the directors and trustees appointed by this act shall direct, shall be entitled to, and have and enjoy, all the rights privileges and immunities, granted to, and enjoyed by, the freeholders and other inhabitants of the said town.

VIII. *And be it further enacted by the authority aforesaid*, That Andrew Sprowle, George Veal, Thomas Veal, Charles Steuart, Humphry Roberts, Francis Miller, James Rae, David Purcell and Amos Etheridge, gentlemen, shall be, and they are hereby nominated, constituted and appointed, directors and trustees of the said town; and they, or any five of them, shall and may, and they are hereby authorized and empowered, to survey and lay off the said adjacent

Trustees of  
Portsmouth.



lands into lots and streets, and to make from time to time such orders, rules and directions, for the regular and orderly placing and building the houses in the said town as to them shall seem expedient: and that in case of the death, removal out of the country, or other legal disability, of any one or more of the directors and trustees before-named, it shall and may be lawful for the surviving or remaining trustees to elect and choose so many other persons in the room of those so dead or disabled as shall make up the number of nine; which trustees so chosen shall, to all intents and purposes, be vested with the same power as any other in this act particularly nominated and appointed.

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## CHAP. IX.

*An Act to empower the Common-Hall of the Borough of Norfolk to assess such taxes from time to time, on the inhabitants thereof as shall be sufficient for keeping and supporting a nightly Watch, & erecting lamps, within the limits of the same.*

Common hall  
of Norfolk  
authorised  
to assess a  
tax, for keep-  
ing a night  
watch.

I. WHEREAS the Mayor, Aldermen, Common-Council, and other inhabitants, of the Borough of Norfolk, have represented to this present general-assembly that robberies are frequently committed in the night-time within the said borough; for preventing which they are desirous a watch may be established, and lamps erected, within the same, but have no authority to levy upon the inhabitants a tax to answer the expense thereof:

II. *Be it therefore enacted, by the Lieutenant Governour, Council & Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act the Mayor Recorder, Aldermen and Common-Council, of the said borough, shall have full power and authority to levy on the freeholders and house-*

keepers thereof, from time to time, a tax sufficient to defray the expense of a watch for the guard of the said borough, and for erecting lamps within the limits of the same, at such places as shall be appointed by the common-hall of the said borough.

III. And whereas evil disposed persons may be induced to break, or otherwise destroy such lamps: *be it enacted, by the authority aforesaid*, that any person who shall willfully break or destroy any such lamp, being thereof lawfully convicted, by the oath of one or more witness or witnesses, shall, if a free person, forfeit and pay the common hall of the said borough the sum of fifty shillings current money for every such lamp so broke or destroy; or if a slave, being thereof lawfully convicted as aforesaid, shall receive on his or her bare back thirty-nine lashes; which said penalty and punishment any justice of the said borough shall, and he is hereby required to assess and inflict: and in case such free person shall refuse to pay down the said sum of fifty shillings, or give security to pay the same within one month after conviction, the person so failing or refusing shall receive ten lashes on his or her bare back by order of such justice.

IV. *And be it further enacted, by the authority aforesaid*, That all fines, levied and received by virtue of this act, shall be appropriated to the support of the said watch and lamps.

V. *And be it further enacted, by the authority aforesaid*, That the persons employed as watchmen within the said borough shall be exempted from any duty as militia in the said borough, during the time they shall serve as watchmen.



## CHAP. X.

*An Act for altering the Court-days of the Counties of Stafford and Chesterfield.*

Court days  
of Stafford  
and Chester-  
field altered.

**I. WHEREAS** the court-days of the counties of Stafford and Chesterfield, as the same now stand are found to be very inconvenient, as well to the inhabitants of the said counties as other persons whose business requires their attendance there:

**II. Be it therefore enacted by the Lieutenant-Governour, Council & Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,** That from and after the first day of August next, the court for the said county of Stafford shall be constantly held on the second Monday in every month, and the court for the county of Chesterfield shall be held on the third Thursday in every month; any law, usage or custom, to the contrary thereof, in any wise, notwithstanding.

## CHAP. XI.

*An Act for altering the Court-day of the County of Gloucester.*

Court day of  
Gloucester  
altered.

**I. WHEREAS** the court-day of the county of Gloucester, as the same now stands, is found to be very inconvenient, as well to the inhabitants of the said county as to other persons whose business requires their attendance there:

**II. Be it therefore enacted by the Lieutenant-Governour, Council and Bugesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,** that from and after the last day of September next the court for the said county of Gloucester shall be constantly held on the first Friday in every month; any law, usage or Custom, to the contrary thereof, in any wise, notwithstanding.

## CHAP. XII.

*An Act to empower John Richards, gentleman, to keep a ferry to and from the town of Leeds, in the County of King-George.*

I. WHEREAS, pursuant to an act of assembly in the twenty-second year of the reign of his late majesty, of happy and glorious memory, entitled, an act to empower the trustees of Leeds-town to make a causey through the marsh opposite thereto, and appointing a publick ferry, the said trustees have agreed with John Richards, gentleman, to make a causey and bridge through the marsh opposite to the said town, upon the terms, among other things, of his being entitled to the privileges of keeping a ferry across Rappahannock river, to and from the said town, and receiving the profits thereof so long as he shall keep the said causey and bridge in repair, and that he should have for a landing for such ferry fifty feet square of ground, out of church lot in the said town; which agreement is reasonable, as the said causey will shorten the passage at such ferry, and be a great convenience to travellers:

II. *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful to and for the said John Richards, and his heirs or assigns, as soon as he or they shall have made and finished the causey aforesaid through the said marsh to the high land in the county of Essex, and erected necessary bridges over the guts and creeks, but not before, to keep a publick ferry for the passage of travellers to and from the said causey, and to demand and receive sixpence for a man and sixpence for a horse; and for the transportation of wheel carriages, tobacco, cattle and other beasts, may demand and take the rates following, that is to say: for every coach, chariot, or waggon, and the driver thereof, the same as for six horses; for every cart, or four-wheel chaise, and the driver of such chaise, as for four horses; for every two-wheel chair, as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; for every sheep, goat or lamb, one fifth of the ferriage of one horse; for every hog, one

John Richards  
authorised to keep  
a ferry at  
Leeds, in  
King George



fourth part of the ferriage of one horse; and no more. And that no person or persons presume to set over or transport any passenger or beast from the said causey to the county of King-George but the said John Richards, his heirs or assigns; nor shall the court of the county of Essex have power to appoint any ferry at or from the said causey, so long as the said John Richards, his heirs or assigns; keep up and support the same, and the bridges aforesaid, at his or their own proper costs.

III. *And be it further enacted, by the authority aforesaid,* That the county-court of King-George shall have the same power and authority of ordering and directing what boat or boats, and the number of hands that shall be kept at such ferry, and the said John Richards, his heirs or assigns, shall have and enjoy the same privileges, and be subject to all the regulations, fines and penalties, that are given, made, laid and inflicted, on ferry keepers by an act of assembly made in the twenty-second year of his late majesty's reign, entitled; an act for the settlement and regulation of ferries, and for despatch of publick expresses.

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### CHAP. XIII.

*An act for paying the Burgesses wages in money for this present session of assembly.*

Burgesses  
wages paya-  
ble in mo-  
ney.

I. WHEREAS by one act of assembly made in the third and fourth years of the reign of his late majesty King George the second, entitled, An act for the better regulating the payment of the Burgesses wages, it is, amongst other things, enacted that when any session of assembly should be thereafter held, and upon examination of the treasurer's accounts it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the general assembly, saving

and reserving in the hands of the treasurer, over and above the said payment, a balance of fifteen hundred pounds at the least, then every Burgess elected and serving for any county or corporation within this dominion should be paid out of the publick money the sum of ten shillings for each day he should serve in the house of burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed.

II. And whereas it appears that there is not money sufficient in the treasurer's hands to pay the Burgesses wages for this present session of assembly, leaving in the hands of the treasurer a balance of fifteen hundred pounds, according to the directions of the said act; nevertheless, as the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll.

III. *Be it enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the Burgesses wages for this present session of assembly shall be paid by the treasurer out of the publick money in his hands, on or before the thirtieth day of October next, according to the directions and regulations in the said recited act mentioned, any thing in the said act to the contrary notwithstanding.*





## PROCLAMATIONS

OF

1754, AND 1763.

Under these proclamations, titles to large bodies of valuable lands on the western waters are derived. According to chronological order the proclamation of 1754, ought to have been inserted at the end of the 6th volume; but as they are both recognized in the act of May 1779, "*for adjusting the titles of claimers to unpatented lands, under the present and former government, previous to the establishment of the commonwealths land office,*" I have judged it most proper to give the two proclamations together.—Vid. May 1779, c. 12; edi. 1785, p. 90, 2 Rev. Code of 1819, *App.* II. c. 4, p. 354.

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### PROCLAMATION OF 1754.

VIRGINIA, SCT.

By the Honourable Robert Dinwiddie, Esq'r his Majestys Lieutenant Governor and Commander in Chief of this Dominion. A PROCLAMATION for encouraging men to enlist in his Majestys service for the defence and security of this Colony.

WHEREAS it is determined that a Fort be immediately built on the River Ohio, at the Fork of Monongahela, to oppose any further encouragements, or hostile attempts of the French and the Indians in their interest, and for the security and protection of his majesty's subjects in his colony; and as it is absolutely

Governor Dinwiddie's proclamation of 1754, offering a bounty in lands, on the Ohio.



necessary that a sufficient force should be raised to erect and support the same; for an encouragement to all who shall voluntarily enter into the said service, I do hereby notify and promise, by and with the advice and consent of his majestys council of this colony, that over and above their pay, two hundred thousand acres, of his majesty the king of Great Britan's lands, on the east side of the river Ohio, within this dominion, (one hundred thousand acres whereof to be contiguous to the said fort, and the other hundred thousand acres to be on, or near the river Ohio) shall be laid off and granted to such persons, who by their voluntary engagement and good behaviour in the said service, shall deserve the same. And I further promise, that the said lands shall be divided amongst them, immediately after the performance of the said service in a proportion due to their respective merit, as shall be represented to me by their officers, and held and enjoyed by them without paying any rights and also free from the payment of quit rents, for the term of fifteen years, and I do appoint this proclimation to be read and published, at the court houses, churches and chapels in each county within this colony, and that the sheriffs take care the same be done accordingly.

Given at the Council Chamber in Williamsburgh, on the 19th day of February in the XXVIIth year of his Majestys Reign, *Annoque Domini* 1754.

ROBERT DINWIDDIE.

GOD SAVE THE KING.

[From a book in the office of the General Court, labelled "Proclamation Book, 1748" pa. 135.]

## PROCLAMATION OF 1763.

GEORGE R.

WHEREAS, we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace, concluded at Paris the 10th day of February last, and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation; we have thought fit, with the advice of our privy council; to issue this our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said privy council, granted our letters patent, under our great seal of Great Britain, to erect within the countries and islands ceded and confirmed to us by the said treaty; four distinct and separate governments, styled and called by the names of Quebec, East Florida, West Florida and Grenada, and limited and bounded as follows, viz.

First.—The government of Quebec, bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river, through the lake St. John, to the south end of the lake Nipissim; from whence the said line crossing the river St. Lawrence, and the lake Champlain, in forty-five degrees of north latitude, passes along the high lands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea; and also along the north coast of the baye de Chaleurs and the coast of the gulf of St. Lawrence, to cape Rosieres; and from thence, crossing the mouth of the river St. Lawrence, by the west end of the island of Anticosti, terminates at the aforesaid river St. John.

Secondly.—The government of East Florida, bounded to the westward by the gulf of Mexico, and Apalachicola river; to the northward by a line drawn



from that part of the said river where the Chatahouchee and Flint rivers meet, to the source of St. Mary's river, and by the course of the said river to the Atlantic ocean; and to the eastward and southward by the Atlantic ocean, and the gulf of Florida, including all islands within six leagues of the sea coast.

Thirdly.—The government of West Florida, bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast, from the river Apalachicola to lake Pontchartrain; to the westward, by the said lake, the lake Mauripas, and the river Mississippi; to the northward, by a line drawn due east from that part of the river Mississippi which lies in thirty one degrees north latitude, to the river Apalachicola or Chatahouchee; and to the eastward, by the said river.

Fourthly.—The government of Grenada, comprehending the island of that name, together with the Grenadines, and the islands of Dominica, St. Vincent, and Tobago.

And, to the end that the open and free fishery of our subjects may be extended to, and carried on upon, the coast of Labrador, and the adjacent islands, we have thought fit, with the advice of our said privy council, to put all that coast, from the river St. Johns to the Hudson's straits, together with the islands of Anticosti and Madelaine, and all other smaller islands, lying upon the said coast, under the care and inspection of our governor of Newfoundland.

We have also, with the advice of our privy council, thought fit, to annex the islands of St. John's and Cape Breton, or Isle Royale, with the lesser islands adjacent thereto, to our government of Nova Scotia.

We have also, with the advice of our privy council aforesaid, annexed to our province of Georgia all the lands lying between the rivers Alatamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling our said new governments that our loving subjects should be informed of our paternal care for the security of the liberties and properties of those who are and shall become inhabitants thereof, we have thought fit to publish and declare, by this our proclamation, that we have in the letters patent under our

great seal of Great Britain by which the said governments are constituted, given express power and direction to our governors of our said colonies, respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies within the said governments, respectively, in such manner and form as is used and directed in those colonies and provinces in America which are under our immediate government; and we have also given power to the said governors, with the consent of our said council, and the representatives of the people, so to be summoned as aforesaid, to make, constitute and ordain laws, statutes, and ordinances, for the public peace, welfare and good government of our said colonies, and of the people and inhabitants thereof, as near as may be agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies: and in the mean time, until such assemblies can be called as aforesaid, all persons inhabiting in, or resorting to, our said colonies, may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England; for which purpose we have given power, under our great seal, to the governors of our said colonies respectively, to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our said colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and as near as may be agreeable to the laws of England: with liberty to all persons who may think themselves aggrieved by the sentences of such courts in all civil cases, to appeal under the usual limitations and restrictions, to us in our privy council.

We have also thought fit with the advice of our privy council as aforesaid, to give unto the governors and councils of our said three new colonies upon the continent, full power and authority to settle and agree with the inhabitants of our said new colonies, or with any other persons who shall resort thereto, for such lands, tenements and hereditaments, as now or hereafter shall be in our power to dispose of, and them to grant to any such person or persons, upon such terms, and under such moderate quitrents, services, and acknowledgments, as have been appointed and settled in



our other colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the grantees, and the improvement and settlement of our said colonies.

Land boun-  
ties to offi-  
cers and sol-  
diers.

And whereas we are desirous, upon all occasions, to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same, we do hereby command and empower our governors of the said three new colonies, and all other our governors of our said provinces on the continent of North America, to grant without fee or reward, to such reduced officers as have served in North America during the late war, and to such private soldiers as have been, or shall be disbanded in America; and are actually residing there, and shall personally apply for the same, the following quantities of lands, subject at the expiration of ten years, to the same quitrents as other lands are subject to in the province within which they are granted, as also subject to the same conditions of cultivation and improvement, viz.

Quantity to  
each.

To officers  
of the navy.

To every person having the rank of a field officer, five thousand acres; to every captain, three thousand acres; to every subaltern or staff officer, two thousand acres; to every non-commissioned officer, two hundred acres; to every private man fifty acres.

We do likewise authorize and require the governors and commanders in chief of all our said colonies upon the continent of North America, to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy, of like rank as served on board our ships of war in North America at the times of the reduction of Louisbourg and Quebec in the late war, and who shall personally apply to our respective governors for such grants.

And whereas it is just and reasonable, and essential to our interest, and the security of our colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds, we do therefore, with the advice of our privy council, declare it to be our royal will and pleasure that no governor, or commander in chief in any of our colo-

nies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants of survey, or pass any patents, for lands beyond the bounds of their respective governments, as described in their commissions; as also that no governor, or commander in chief, in any of our other colonies or plantations in America, do presume, for the present, and until our future pleasure be known, to grant warrants of survey, or pass patents, for any lands beyond the heads or sources of any of the rivers, which fall into the Atlantic ocean from the west and northwest, or upon any lands whatever, which not having been ceded to, or purchased by us, as aforesaid, are reserved to the said Indians or any of them.

And we do further declare it to be our royal will and pleasure, for the present as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the lands and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's bay company, as also all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and northwest, as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our special leave and license for that purpose first obtained.

And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands, which not having been ceded to, or purchased by us, are still reserved to the said Indians, as aforesaid, forthwith to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians, in order, therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our



privy council, strictly enjoin and require that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians, within those parts of our colonies where we have thought proper to allow settlements, but that if, at any time, any of the Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor or commander in chief of our colonies, respectively, within which they shall lie; and in case they shall lie within the limits of any proprietary government they shall be purchased only for the use, and in the name, of such proprietaries, conformable to such directions and instructions, as we or they shall think proper to give for that purpose: and we do, by the advice of our privy council, declare and enjoin that the trade with the said Indians shall be free and open to all our subjects whatever, provided that every person who may incline to trade with the said Indians do take out a license for carrying on such trade from the governor and commander in chief of any of our colonies, respectively, where such person shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or by our commissaries, to be appointed for this purpose, to direct and appoint for the benefit of the said trade; and we do hereby authorize, enjoin and require the governors and commanders in chief of all our colonies respectively, as well those under our immediate government, as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking especial care to insert therein a condition that such license shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of Indian affairs within the territories reserved, as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever, who standing charged with treasons, misprisions of treason, murders, or other felonies or misdemeanors, shall fly from justice, and take refuge

in the said territory, and to send them under a proper guard to the colony where the crime was committed of which they stand accused, in order to take their trial for the same.

[From Marshall's life of Washington, Vol. 1. Appendix Note X  
p. 37.]





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TO THE

## SEVENTH VOLUME

OF THE

# Statutes at Large.

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# ERRATA

## IN VOLUME SEVENTH OF STATUTES AT LARGE.

- Page 19th, line 12 from bottom for *Parson* read *PERSON*.  
 47 do. 19 from bottom for *Deep-dreck* read *Deep Creek*.  
 50 at the end of the last line after *a* read *Piece*.  
 65 do. 9 from bottom for *Cruthfield's* read *Crutchfield's*.  
 90 at the end of 18th line from top read "other."  
 96 line 19 from top for "Muterroll" read "Musterroll."  
 119 do. 16 from top for "party" read "parties."  
 124 do. 22 from bottom between the words "the and "next" read  
 "end of the."  
 do. do. 6 from bottom between the words "than and actions read  
 the  
 125 do. 9 from top for "of" read "for."  
 130 do. 12 from bottom opposite to B for 8 read 1.  
 136 do. 5 from top between the words "but and "as" read "for."  
 143 do. 8 from bottom for "purchasor" read "purchasors (after "or.)"  
 148 do. 17 from bottom before "first" read "said."  
 154 do. 13 from top before "Parish" read "said."  
 160 do. 9 from top for "Mills" read "Mill."  
 164 do. 12 from top for "a" read "the."  
 182 do. 15 from top for "4l 16s 10d." read "3 16s 10d."  
 183 do. 8 from top for "3l 17s 0d." read "3l 17s 6d."  
 184 do. 4 from bottom for "George" read "Jacob."  
 186 do. 22 from top for "Magis" read "Morris."  
 187 do. 5 from bottom for "Thomas" read "William."  
 188 do. 21 from top for "Jonus" read "Jones."  
 191 do. 14 from bottom opposite to John Smith, Majr. for "13s" read  
 13l  
 194 do. 16 from top oposite to Patrick Campbell for "3l 1s 0d." read  
 "3s 1d."  
 195 do. 8 from top for "19s." read "10."  
 196 do. 15 from top for "Jacob Botters" read "Jacob Potters."  
 do. do. 23 from bottom for "3l" read "3s."  
 206 do. 5 from top for "Stephen Runnals" read "James Runnals."  
 297 do. 3 from top for "her" read "their."  
 316 top line for "have" read "hath."  
 328 do. 17 from bottom for "most" read "more."  
 376 do. 18 from bottom between the words "of and "the," read "by."  
 393 do. 4 from bottom for "he" read "be."  
 444 do. 24 from top after "with" read "the."  
 453 do. 8 from top for "from" read "for."  
 481 do. 14 from bottom after "Man Page, omit "the younger the mo-  
 ney."  
 512 do. 5 from top between the words "directors and "their" for  
 "and" read "or."  
 529 do. 3 from top for "except" read "accept."





